CHAPTER Env-Hw 400 IDENTIFICATION AND LISTING OF HAZARDOUS WASTES

PART Env-Hw 401 PURPOSE, APPLICABILITY, EXEMPTIONS, AND METHODS

Env-Hw 401.01 Purpose. The purpose of Env-Hw 400 is to identify those wastes which are subject to regulation as hazardous wastes.

Env-Hw 401.02 Applicability.

(a) A waste that is not exempted from regulation under Env-Hw 401.03 shall become a hazardous waste when any of the following events occur:

(1) In the case of a waste listed in Env-Hw 402, when the waste first meets the listing description set forth in Env-Hw 402;

(2) In the case of a mixture of any waste with one or more listed hazardous wastes, when the hazardous waste listed in Env-Hw 402 is first added to the mixture; and

(3) In the case of any other waste or waste mixture, when the waste or waste mixture exhibits any of the characteristics identified in Env-Hw 403 or by the department in accordance with Env-Hw 405.03.

(b) A hazardous waste shall remain a hazardous waste unless and until it meets the following criteria:

(1) In the case of any waste, if the waste does not exhibit any of the characteristics of hazardous waste identified in Env-Hw 403;

(2) In the case of a federally listed waste or a waste which contains or is derived from a federally listed waste, if the EPA has excluded the waste in accordance with 40 CFR 260.22 and the department has delisted the waste under Env-Hw 406; and

(3) In the case of a New Hampshire-listed waste under Env-Hw 402.04(c), Env-Hw 402.05(c), Env-Hw 402.06(c) or Env-Hw 402.07(b) if the department has delisted the waste under Env-Hw 406.

(c) For the purposes of (b)(2) above, "federally listed wastes" means those wastes listed under Env-Hw 402.04(b), Env-Hw 402.05(b), Env-Hw 402.06(a) and Env-Hw 402.07(a).

Env-Hw 401.03 Exemptions.

(a) The following materials shall not be considered hazardous wastes under the hazardous waste rules, subject to any conditions noted:

(1) Domestic sewage;

(2) Wastewater discharges in compliance with applicable New Hampshire and federal permits;

(3) Irrigation return waters;

(4) Source, special nuclear, or nuclear by-product material as defined by the Atomic Energy Act of 1954 as amended, 42 USC 2011 et seq.;

(5) Material subjected to in-situ mining techniques which are not removed from the ground as part of the extraction process;

(6) Pulping liquors, that is black liquors, that are reclaimed in a pulping liquor recovery furnace and then reused in the pulping process, unless it is accumulated speculatively as defined in Env-Hw 811.01;

(7) Spent sulfuric acid used to produce virgin sulfuric acid, unless it is accumulated speculatively as defined in Env-Hw 811.01;

(8) Secondary materials, as defined in Env-Hw 104, provided:

a. Only tank storage is involved and the entire process through completion of reclamation is closed by being entirely connected with pipes or other comparable enclosed means of conveyance;

b. Reclamation does not involve controlled flame combustion such as occurs in boilers, industrial furnaces, or incinerators;

c. The secondary materials are never accumulated in such tanks for over 12 months without being reclaimed; and

d. The reclaimed material is not used to produce a fuel, or used to produce products that are used in a manner constituting disposal;

(9) Excluded scrap metal, as defined in Env-Hw 103, being recycled; and

(10) Shredded circuit boards being recycled provided that they are:

a. Stored in containers sufficient to prevent a release to the environment prior to recovery; and

b. Free of mercury switches, mercury relays and nickel-cadmium batteries and lithium batteries.

(b) The following materials shall be exempt from regulation under the hazardous waste rules, subject to any conditions noted:

(1) Household wastes, including household wastes treated or recovered, sanitary wastes from septic tanks, and sanitary wastes, except that household hazardous wastes collected as part of a household hazardous waste collection project, including curbside collection or accumulation at a solid waste facility regulated under RSA 149-M or at a commercial facility, shall be managed in accordance with Env-Hw 500;

(2) Agricultural wastes that are returned to the soil as fertilizers for growing agricultural crops and raising animals;

(3) Mining overburden returned to the mine site;

(4) Fly ash waste, bottom ash waste, slag waste, and flue gas emission control waste generated primarily from the combustion of coal or fossil fuels;

(5) Wastes which fail the test for the toxicity characteristic because chromium is present, or which are listed in Env-Hw 402 due to the presence of chromium, and meet the criteria of 40 CFR 261.4(b)(6)(i), 7-1-07 edition, and are:

a. Listed in 40 CFR 261.4(b)(6)(ii), 7-1-07 edition; or

b. Subject to a waiver obtained by the generator in accordance with Env-Hw 202;

(6) Subject to (f), below, solid waste from the extraction, beneficiation, and processing of ores and minerals including coal, including phosphate rock and overburden from the mining of uranium ore;

(7) Cement kiln dust waste;

(8) Waste which consists of discarded arsenical-treated wood or wood products which fail the test for the toxicity characteristic for hazardous waste codes D004 - D017 and which is not a hazardous waste for any other reason, provided the waste is generated by persons who use the arsenical-treated wood and wood products for these materials' intended end use;

(9) Used chlorofluorocarbon refrigerants from totally enclosed heat transfer equipment, including mobile air conditioning systems, mobile refrigeration, and commercial and industrial air conditioning and refrigeration systems that use chlorofluorocarbons as the heat transfer fluid in a refrigeration cycle, provided the refrigerant is reclaimed for further use;

(10) Non-terne-plated used oil filters that are not mixed with wastes listed in Env-Hw 402, provided the oil filters have been gravity hot-drained using one of the following methods:

a. Puncturing the filter anti-drain back valve or the filter dome end and hot-draining;

b. Hot-draining and crushing;

c. Dismantling and hot-draining; or

d. Any other equivalent hot-draining method that will remove used oil;

(11) Hazardous waste generated in a product or raw material storage tank, product or raw material transport vehicle or vessel, product or raw material pipeline, or in a manufacturing process unit or an associated non-waste-treatment-manufacturing unit before it exits the unit in which it was generated, unless the unit is a surface impoundment, or unless the hazardous waste remains in the unit for greater than 90 days after the unit ceases to be operated for manufacturing, or for storage or transportation of product or raw materials;

(12) Samples of solid or hazardous wastes, water, soil or air which are collected for the sole purpose of testing to determine its characteristics or composition, provided the samples are being stored or transported in accordance with 40 CFR 261.4(d), 7-1-07 edition;

(13) Treatability study samples and samples undergoing treatability studies at laboratories

and testing facilities of up to 250 kg non-acute hazardous waste and up to 1 kg acute hazardous waste and as set forth in 40 CFR 261.4(e) and (f), 7-1-07 edition;

(14) Materials that are reclaimed from wastes and that are used beneficially, unless the reclaimed material is burned for energy recovery or used in a manner constituting disposal;

(15) Waste pickle liquor sludges generated by lime stabilization of spent pickle liquor from the iron and steel industry Standard Industry Classification, Codes 331 and 332, even though they are generated from the treatment, storage, or disposal of a hazardous waste, unless they exhibit one or more of the characteristics of hazardous waste as set forth in Env-Hw 403;

(16) The following wastes, provided that they do not exhibit a hazardous waste characteristic as set forth in Env-Hw 403:

a. Used oil sludges derived from collection, storage, treatment, or processing of used oils provided that the sludges are sent to a facility authorized to receive them; and

b. Waters separated from used oil by gravity separation or other physical or chemical means, unless the waters contain greater than 5 percent oil;

(17) Spill absorbent materials, soil and debris from the cleanup of spills of virgin fuel oil and virgin lubricating products, provided that the spill absorbent, materials, soil and debris do not exhibit a hazardous waste characteristic as set forth in Env-Hw 403;

(18) Spill absorbent materials, soil and debris from the cleanup of used oil spills, provided the used oil was not previously mixed with any other hazardous wastes listed in Env-Hw 402, and provided the spill absorbent materials, soil or debris do not exhibit a hazardous waste characteristic as set forth in Env-Hw 403;

(19) Spill absorbent materials, soil and debris from the cleanup of spills of virgin gasoline, provided that the spill absorbent materials, soil and debris do not exhibit a hazardous waste characteristic as set forth in Env-Hw 403;

(20) Containers and inner liners from containers of hazardous waste, provided that the containers and inner liners are empty pursuant to (h), below;

(21) Petroleum-contaminated media and debris that:

a. Fail the test for the toxicity characteristic of hazardous waste codes D018 - D043 only, as set forth in Env-Hw 403.06;

b. Are generated from releases of underground storage tanks subject to Env-Wm 1401; and

c. Are subject to the corrective action regulations under Env-Or 600;

(22) Manufactured gas plant contaminated media and debris that:

a. Fail the test for the toxicity characteristic of hazardous waste number D018 only, as set forth in Env-Hw 403.06; and

b. Are treated in an incinerator or a thermal desorption unit that is authorized under the destination state's rules;

(23) Wood ash from the burning of wood products which is only hazardous due to the corrosivity characteristic as set forth in Env-Hw 403.04(b)(3); and

(24) Nitroglycerine, listed as P081, provided that it:

a. Was to be used for medicinal purposes; and

b. Does not exhibit a hazardous waste characteristic as set forth in Env-Hw 403.

(c) For the purposes of (a)(1), above, "domestic sewage" means untreated sanitary wastes that pass through a sewer system.

(d) For the purposes of (a)(2), above, "wastewater discharges" means industrial point source discharges in compliance with regulations under Section 402 of the Clean Water Act, as amended.

(e) For the purposes of (d), above, "point source" means any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, vessel or floating craft, or other discernable, defined and discrete conveyance from which pollutants are or may be discharged. The term "point source" does not include agricultural irrigation return waters.

(f) The exemption at (b)(6), above, shall not include the following wastes, which shall be regulated as hazardous wastes:

(1) Acid plant blowdown slurry/sludge resulting from the thickening of blowdown slurry from primary copper production;

(2) Surface impoundment solids contained in the dredged from surface impoundments at primary lead smelting facilities;

(3) Sludge from treatment of process wastewater and/or acid plant blowdown from primary zinc production;

(4) Spent potliners from primary aluminum reduction;

(5) Emission control dust or sludge from ferrochromium-silicon production; or

(6) Emission control dust or sludge from ferrochromium production.

(g) For the purposes of (b)(17), above, "virgin lubricating products" means unused motor, engine, gear, machine and transmission oils.

(h) For the purposes of (b)(20), above, containers and inner liners shall be deemed empty under the following conditions:

(1) For those containers or inner liners which have held hazardous waste other than compressed gas or acute hazardous waste identified in Env-Hw 402.04, when all wastes have been removed that can be removed using the practices commonly employed to remove materials from that type of container, such as pouring, pumping, and aspirating, and:

a. No more than one inch of residue remains on the bottom of the container or inner liner; or

b. The amount or residue remaining in the container or inner liner is:

1. No more than 3 percent by weight of the total capacity of the container if the container is less than or equal to 119 gallons in size; or

2. No more than 0.3 percent by weight of the total capacity of the container if the container is greater than 119 gallons in size;

(2) For those containers which have held a hazardous waste that is a compressed gas, when the pressure in the container approaches atmospheric pressure;

(3) For those containers or inner liners which have held acutely hazardous waste, when:

a. The containers or inner liner have been triple rinsed using a solvent capable of removing the commercial chemical product or manufacturing chemical intermediate;

b. The container or inner liner has been cleansed by another method that has been shown in the scientific literature, or by tests conducted by the generator, to achieve equivalent removal; or

c. In the case of a container, the inner liner that prevented contact of the commercial chemical product or manufacturing chemical intermediate with the container has been removed.

(i) Residues removed from empty containers shall be subject to regulation under the hazardous waste rules as set forth in Env-Hw 404.04.

(j) For the purposes of (b)(1), above, "household wastes" means any waste derived from households, including, but not limited to:

(1) Single and multiple residences;

(2) Motels, hotels;

(3) Bunkhouses;

(4) Ranger stations;

(5) Crew quarters, campgrounds;

(6) Picnic grounds; and

(7) Day use recreation areas.

Env-Hw 401.04 Hazardous Waste Determination Methods. Sampling and analysis of waste for the purpose of identifying the waste as a hazardous or non-hazardous waste shall be conducted in accordance with the procedures specified in 40 CFR 261 Appendix I, 7-1-07 edition, EPA Publication "SW-846," as

defined in Env-Hw 104 and incorporated by reference at Env-Hw 401.06, additional methods specified in Env-Hw 400, or equivalent procedures approved by EPA in accordance with 40 CFR 260.20 and 260.21, 7-1-07 edition or by the department in accordance with Env-Hw 401.05.

Env-Hw 401.05 Petitions for Equivalent Testing or Analytical Methods.

(a) Any person seeking to add an analytical method to Env-Hw 400 or Env-Hw 800 with respect to hazardous wastes regulated by New Hampshire but not by EPA may petition for a rule change to allow use of a new testing method. The person shall demonstrate that the proposed method is equal to or superior to the corresponding method required by Env-Hw 400 or Env-Hw 800 in terms of its sensitivity, accuracy and reproducibility.

(b) Each petition shall include the information required by 40 CFR 260.20(b) and 40 CFR 260.21(b), 7-1-07 edition.

Env-Hw 401.06 Test Methods for Analyzing Hazardous Wastes. Test methods for analyzing hazardous wastes shall be in accordance with the following publications, as incorporated by reference in 40 CFR 260.11, 7-1-07 edition:

(a) "ASTM Standard Test Methods for Flash Point of Liquids by Setaflash Closed Tester," ASTM Standard D-3278-78, available from American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959;

(b) "ASTM Standard Test Methods for Flash Point by Pensky-Martens Closed Tester," ASTM Standard D-93-79 or D-93-80. D-93-80 is available from American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959;

(c) "ASTM Standard Method for Analysis of Reformed Gas by Gas Chromatography," ASTM Standard D-1946-82, available from American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959;

(d) "ASTM Standard Test Method for Heat of Combustion of Hydrocarbon Fuels by Bomb Calorimeter (High-Precision Method)," ASTM Standard D-2382-83, available from American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959;

(e) "ASTM Standard Practices for General Techniques of Ultraviolet-Visible Quantitative Analysis," ASTM Standard E-169-87, available from American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959;

(f) "ASTM Standard Practices for General Techniques of Infrared Quantitative Analysis," ASTM Standard E 168-88, available from American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959;

(g) "ASTM Standard Practice for Packed Column Gas Chromatography," ASTM Standard E-260-85, available from American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959;

(h) "ASTM Standard Test Method for Aromatics in Light Napthas and Aviation Gasolines by Gas Chromatography," ASTM Standard D-2267-88, available from American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959;

(i) "APTI Course 415: Control of Gaseous Emissions," EPA Publication EPA-450/2-81-005, December 1981, available from National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161;

(j) "Flammable and Combustible Liquids Code," 1977 or 1981, available from the National Fire Protection Association, 1 Batterymarch Park, PO Box 9101, Quincy, MA 02269-9101;

(k) "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846;

(l) "Screening Procedures for Estimating the Air Quality Impact of Stationary Sources, Revised," October 1992, EPA Publication No. EPA-450/R-92-019, Environmental Protection Agency, Research Triangle Park, NC 27711;

(m) "ASTM Standard Test Methods for Preparing Refuse-Driven Fuel (RDF) Samples for Analyses of Metals," ASTM Standard E926-88, Test Method C-Bomb, Acid Digestion Method, available from American Society for Testing Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959;

(n) "API Publication 2517, Third Edition," February 1989, "Evaporative Loss from External Floating-Roof Tanks," available from the American Petroleum Institute, 1220 L Street, NW, Washington, DC 20005; and

(o) "ASTM Standard Test Method for Vapor Pressure-Temperature Relationship and Initial Decomposition Temperature of Liquids by Isoteniscope," ASTM Standard D 2879-92, available from American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959.

PART Env-Hw 402 LISTED HAZARDOUS WASTES

Env-Hw 402.01 Hazard Codes.

(a) Unless otherwise specified in this chapter, Env-Hw 402 identifies the type of hazard presented by a waste using the following hazard codes:

(1) For ignitable waste, the hazard code shall be "(I)";

(2) For corrosive waste, the hazard code shall be "(C)";

(3) For reactive waste, the hazard code shall be "(R)";

(4) For toxicity characteristic waste, the hazard code shall be "(E)";

(5) For acutely hazardous waste, the hazard code shall be "(H)"; and

(6) For toxic waste, the hazard code shall be "(T)."

(b) 40 CFR 261 Appendix VII, 7-1-07 edition, shall be used to identify the constituent which causes the administrator to list a waste as a toxicity characteristic waste (E) or toxic waste (T) listed in Env-Hw 402.06(a) and 402.07(a).

Env-Hw 402.02 Hazardous Waste Numbers.

(a) The EPA or NH hazardous waste number assigned to each hazardous waste listed in this part, shown preceding the name of the waste in Table 4.1 through Table 4.9, shall be used in complying with the notification requirements and certain recordkeeping and reporting requirements of the hazardous waste rules.

(b) The hazardous waste numbers assigned by EPA and New Hampshire for listed hazardous wastes shall be as set forth in Env-Hw 402.04, Env-Hw 402.05, Env-Hw 402.06, and Env-Hw 402.07.

(c) EPA Hazardous Waste Numbers F020, F021, F022, F023, F026, and F027, listed in Env-Hw 402.06 or Env-Hw 402.07, shall be counted as acutely hazardous wastes when calculating generator status in accordance with Env-Hw 503.

Env-Hw 402.03 Lists of Hazardous Wastes.

(a) The materials or items specified in Env-Hw 402 shall be considered hazardous wastes:

(1) If they are discarded or intended to be discarded as defined in Env-Hw 103;

(2) When they are mixed with discarded oil or used oil or other material and applied to the land for dust suppression or road treatment;

(3) When they are otherwise applied to the land in lieu of their original intended use or when they are contained in products that are applied to the land in lieu of their original intended use; or

(4) When, in lieu of their original intended use, they are produced for use as a fuel, or as a component of a fuel, distributed for use as a fuel, or burned as a fuel.

(b) For the purposes of dust suppression and road treatment, "discarded oil" means virgin oil that has been discarded before use.

Env-Hw 402.04 Acutely Hazardous Wastes.

(a) The following materials, when waste, shall be considered acutely hazardous waste:

(1) Any commercial chemical product or manufacturing chemical intermediate, having the generic name listed in (b) or (c), below, or any off-specification chemical product or intermediate which, if it met specifications, would have the generic name listed in (b) or (c), below;

(2) Any residue remaining in a container or in an inner liner removed from a container that has held any material having the generic name listed in (b) and (c), below, unless the container is empty as defined in Env-Hw 401.03(h); or

(3) Any material listed in Env-Hw 402.06 that is identified with the symbol "H".

(b) EPA listed acutely hazardous wastes shall be as listed in Table 4.1 below:

Table 4.1 EPA Acutely Hazardous Wastes

EPA Hazardous Waste Number	Chemical Abstracts Number	Hazardous Waste
P023	107-20-0	Acetaldehyde, chloro-
P002	591-08-2	Acetamide,N-(aminothioxomethyl)-
P057	640-19-7	Acetamide, 2-fluoro-
P058	62-74-8	Acetic acid, fluoro-, sodium salt
P002	591-08-2	1-Acetyl-2-thiourea
P003	107-02-8	Acrolein
P070	116-06-3	Aldicarb
P004	309-00-2	Aldrin
P005	107-18-6	Allyl alcohol
P006	20859-73-8	Aluminum phosphide(R,T)
P007	2763-96-4	5-(Aminomethyl)-3-isoxazolol
P008	504-24-5	4-Aminopyridine
P009	131-74-8	Ammonium picrate (R)
P119	7803-55-6	Ammonium vanadate
P099	506-61-6	Argentate(1-),bis(cyano-C)-,potassium
P010	7778-39-4	Arsenic acid H_3AsO_4
P012	1327-53-3	Arsenic oxide As_2O_3
P011	1303-28-2	Arsenic oxide As_2O_5
P011	1303-28-2	Arsenic pentoxide
P012	1327-53-3	Arsenic trioxide
P038	692-42-2	Arsine, diethyl-
P036	696-28-6	Arsonous dichloride, phenyl-
P054	151-56-4	Aziridine
P067	75-55-8	Aziridine, 2-methyl-
P013	542-62-1	Barium cyanide
P024	106-47-8	Benzenamine, 4-chloro-
P077	100-01-6	Benzenamine, 4-nitro-
P028	100-44-7	Benzene, (chloromethyl)-
P042	51-43-4	1,2-Benzenediol,4-[1-hydroxy-2-methylamino)ethyl]-, (R)-
P046	122-09-8	Benzeneethanamine, alpha,alpha-dimethyl
P014	108-98-5	Benzenethiol
P001	[1]81-81-2	2H-1-Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1-phenylbutyl)-, & salts, when present at concentrations greater than 0.3%
P028	100-44-7	Benzyl chloride
P015	7440-41-7	Beryllium powder
P017	598-31-2	Bromoacetone
P018	357-57-3	Brucine
P045	39196-18-4	2-Butanone,3,3-dimethyl-1-(methylthio)-, O -[methylamino) carbonyl]oxime
P021	592-01-8	Calcium cyanide
P021	592-01-8	Calcium cyanide $Ca(CN)_2$
P022	75-15-0	Carbon disulfide
P095	75-44-5	Carbonic dichloride

EPA Hazardous Waste Number	Chemical Abstracts Number	Hazardous Waste
P023	107-20-0	Chloroacetaldehyde
P024	106-47-8	p-Chloroaniline
P026	5344-82-1	1-(o-Chlorophenyl) thiourea
P027	542-76-7	3-Chloropropionitrile
P029	544-92-3	Copper cyanide
P029	544-92-3	Copper cyanide Cu(CN)
P030	--------	Cyanides (soluble cyanide salts), not otherwise specified
P031	460-19-5	Cyanogen
P033	506-77-4	Cyanogen chloride
P033	506-77-4	Cyanogen chloride (CN)Cl
P034	131-89-5	2-Cyclohexyl-4,6- dinitrophenol
P016	542-88-1	Dichloromethyl ether
P036	696-28-6	Dichlorophenylarsine
P037	60-57-1	Dieldrin
P038	692-42-2	Diethylarsine
P041	311-45-5	Diethyl-p-nitrophenyl phosphate
P040	297-97-2	O, O -Diethyl O -pyrazinyl phosphorothioate
P043	55-91-4	Diisopropylfluorophosphate (DFP)
P004	309-00-2	1,4,5,8-Dimethanonaphthalene, 1,2,3,4,10,10-hexachloro-1, 4,4a,5,8,8 a,-hexahydro-,(1alpha,4alpha,4abeta,5 alpha,8alpha,8abeta)-
P060	465-73-6	1,4,5,8-Dimethanonaphthalene, 1,2,3,4,10,10-hexachloro -1,4,4a,5,8,8a,-[hexachloro]hexahydro-(1alpha,4alpha, 4abeta,5beta,8beta,8abeta)-
P037	60-57-1	2,7:3,6-Dimethanonaphth[2,3-b]oxirene, 3,4,5,6,9,9-hexachloro-1a,2,2a,3,6,6a, 7,7a-octahydro-(laalpha,2beta,2aalpha, 3beta,6beta,6aalpha,7beta,7aalpha)-
P051	[1]72-20-8	2,7:3,6-Dimethanonaphth [2,3-b] oxirene,3,4,5,6,9,9-hexachloro-1a,2,2a,3,6,6a,7,7a-octahydro-, (1aalpha,2beta,2abeta,3alpha,6alpha, 6abeta,7beta,7aalpha)-,& metabolites
P044	60-51-5	Dimethoate
P046	122-09-8	alpha,alpha-Dimethylphenethylamine
P047	[1]534-52-1	4,6-Dinitro-o-cresol, & salts
P048	51-28-5	2,4-Dinitrophenol
P020	88-85-7	Dinoseb
P085	152-16-9	Diphosphoramide, octamethyl-
P111	107-49-3	Diphosphoric acid, tetraethyl ester
P039	298-04-4	Disulfoton
P049	541-53-7	Dithiobiuret
P050	115-29-7	Endosulfan
P088	145-73-3	Endothall
P051	72-20-8	Endrin
P051	72-20-8	Endrin, & metabolites
P042	51-43-4	Epinephrine

EPA Hazardous Waste Number	Chemical Abstracts Number	Hazardous Waste
P031	460-19-5	Ethanedinitrile
P066	16752-77-5	Ethanimidothioic acid, N-[[(methylamino)carbonyl]oxy]-, methyl ester
P101	107-12-0	Ethyl cyanide
P054	151-56-4	Ethyleneimine
P097	52-85-7	Famphur
P056	7782-41-4	Fluorine
P057	640-19-7	Fluoroacetamide
P058	62-74-8	Fluoroacetic acid, sodium salt
P065	628-86-4	Fulminic acid, mercury(2+) salt (R,T)
P059	76-44-8	Heptachlor
P062	757-58-4	Hexaethyl tetraphosphate
P116	79-19-6	Hydrazinecarbothioamide
P068	60-34-4	Hydrazine, methyl-
P063	74-90-8	Hydrocyanic acid
P063	74-90-8	Hydrogen cyanide
P096	7803-51-2	Hydrogen phosphide
P060	465-73-6	Isodrin
P007	2763-96-4	3(2H)-Isoxazolone, 5-(aminomethyl)-
P092	62-38-4	Mercury, (acetato- O)phenyl-
P065	628-86-4	Mercury fulminate (R,T)
P082	62-75-9	Methanamine, N-methyl-N-nitroso-
P064	624-83-9	Methane, isocyanato-
P016	542-88-1	Methane, oxybis[chloro-
P112	509-14-8	Methane, tetranitro-
P118	75-70-7	Methanethiol, trichloro-
P050	115-29-7	6,9-Methano-2,4,3-benzodioxathiepin, 6,7,8,9,10,10-hexachloro-1,5,5a,6, 9,9a-hexahydro-, 3-oxide
P059	76-44-8	4,7-Methano-1H-indene, 1,4,5,6,7,8,8- heptachloro-3a,4,7,7a-tetrahydro-
P066	16752-77-5	Methomyl
P068	60-34-4	Methyl hydrazine
P064	824-83-9	Methyl isocyanate
P069	75-86-5	2-Methyllactonitrile
P071	298-00-0	Methyl parathion
P072	86-88-4	alpha Naphthylthiourea
P073	13463-39-3	Nickel carbonyl
P073	13463-39-3	Nickel carbonyl $Ni(CO)_4$, (T-4)-
P074	557-19-7	Nickel cyanide
P074	557-19-7	Nickel cyanide $Ni(CN)_2$
P075	54-11-5	Nicotine, & salts
P076	10102-43-9	Nitric oxide
P077	100-01-6	p-Nitroaniline
P078	10102-44-0	Nitrogen dioxide
P076	10102-43-9	Nitrogen oxide N0
P078	10102-44-0	Nitrogen oxide $N0_2$

EPA Hazardous Waste Number	Chemical Abstracts Number	Hazardous Waste
P081	55-63-0	Nitroglycerine (R)
P082	62-75-9	N-Nitrosodimethylamine
P084	4549-40-0	N-Nitrosomethylvinylamine
P085	152-16-9	Octamethylpyrophosphoramide
P087	20816-12-0	Osmium oxide OsO_4, (T-4)-
P087	20816-12-0	Osmium tetroxide
P088	145-73-3	7-Oxabicyclo[2.2.1]heptane-2,3- dicarboxylic acid
P089	56-38-2	Parathion
P034	131-89-5	Phenol, 2-cyclohexyl-4,6-dinitro-
P048	51-28-5	Phenol, 2,4-dinitro-
P047	[1]534-52-1	Phenol, 2-methyl-4,6-dinitro-, & salts
P020	88-85-7	Phenol, 2-(1-methylpropyl)-4,6-dinitro-
P009	131-74-8	Phenol, 2,4,6-trinitro-, ammonium salt (R)
P092	62-38-4	Phenylmercury acetate
P093	103-85-5	Phenylthiourea
P094	298-02-2	Phorate
P095	75-44-5	Phosgene
P096	7803-51-2	Phosphine
P041	311-45-5	Phosphoric acid, diethyl 4-nitrophenyl ester
P039	298-04-4	Phosphorodithioic acid, O,O-diethyl S-[2-(ethylthio)ethyl] ester
P094	298-02-2	Phosphorodithioic acid, O,O-diethyl S-[(ethylthio)methyl] ester
P044	60-51-5	Phosphorodithioic acid, O,O-dimethyl-[2-methylamino)-2-oxoethyl] ester
P043	55-91-4	Phosphorofluoridic acid, bis(1-methylethyl) ester
P089	56-38-2	Phosphorothioic acid, O,O-diethyl 0-(4-nitrophenyl) ester
P040	297-97-2	Phosphorothioic acid, O,O-diethyl 0-pyrazinyl ester
P097	52-85-7	Phosphorothioic acid, O-[4-[(dimethylamino)sufonyl] phenyl] O,O-dimethyl ester
P071	298-00-0	Phosphorothioic acid, O,O,-dimethyl O-(4-nitrophenyl) ester
P110	78-00-2	Plumbane, tetraethyl-
P098	151-50-8	Potassium cyanide
P098	151-50-8	Potassium cyanide K(CN)
P099	506-61-6	Potassium silver cyanide
P070	116-06-3	Propanal, 2-methyl-2(methylthio)-, O-[(methylamino)carbonyl]oxime
P101	107-12-0	Propanenitrile
P027	542-76-7	Propanenitrile, 3-chloro-
P069	75-86-5	Propanenitrile, 2-hydroxy-2-methyl-
P081	55-63-0	1,2,3-Propanetriol, trinitrate (R)
P017	598-31-2	2-Propanone, 1-bromo-
P102	107-19-7	Propargyl alcohol
P003	107-02-8	2-Propenal
P005	107-18-6	2-Propen-1-ol
P067	75-55-8	1,2-Propylenimine

EPA Hazardous Waste Number	Chemical Abstracts Number	Hazardous Waste
P102	107-19-7	2-Propyn-1-ol
P008	504-24-5	4-Pyridinamine
P075	[1]54-11-5	Pyridine, 3-(1-methyl-3pyrrolidinyl)-, (S)-, & salts
P114	12039-52-0	Selenious acid, dithallium(1+) salt
P103	630-10-4	Selenourea
P104	506-64-9	Silver cyanide
P104	506-64-9	Silver cyanide Ag(CN)
P105	26628-22-8	Sodium azide
P106	143-33-9	Sodium cyanide
P106	143-33-9	Sodium cyanide Na(CN)
P108	[1]57-24-9	Strychnidin-10-one, & salts
P018	357-57-3	Strychnidin-10-one, 2,3-dimethoxy-
P108	[1]57-24-9	Strychnine, & salts
P115	7446-18-6	Sulfuric acid, dithallium(1+) salt
P109	3689-24-5	Tetraethyldithiopyrophosphate
P110	78-00-2	Tetraethyl lead
P111	107-49-3	Tetraethyl pyrophosphate
P112	509-14-8	Tetranitromethane (R)
P062	757-58-4	Tetraphosphoric acid, hexaethyl ester
P113	1314-32-5	Thallic oxide
P113	1314-32-5	Thallium oxide Tl_2O_3
P114	12039-52-0	Thallium(1) selenite
P115	7446-18-6	Thallium(1) sulfate
P109	3689-24-5	Thiodiphosphoric acid, tetraethyl ester
P045	39196-18-4	Thiofanox
P049	541-53-7	Thioimidodicarbonic diamide $[(H_2N)C(S)]_2NH$
P014	108-98-5	Thiophenol
P116	79-19-6	Thiosemicarbazide
P026	5344-82-1	Thiourea, (2-chlorophenyl)-
P072	86-88-4	Thiourea, 1-naphthalenyl-
P093	103-85-5	Thiourea, phenyl-
P123	8001-35-2	Toxaphene
P118	75-70-7	Trichloromethanethiol
P119	7803-55-6	Vanadic acid, ammonium salt
P120	1314-62-1	Vanadium oxide V_2O_5
P120	1314-62-1	Vanadium pentoxide
P084	4549-40-0	Vinylamine, N-methyl-N-nitroso-
P001	[1]81-81-2	Warfarin, & salts, when present at concentrations greater than 0.3%
P121	557-21-1	Zinc cyanide
P121	557-21-1	Zinc cyanide $Zn(CN)_2$
P122	1314-84-7	Zinc phosphide Zn_3P_2, when present at concentrations greater than 10% (R,T)

(c) New Hampshire listed acutely hazardous wastes shall be as listed in Table 4.2 below:

Table 4.2 New Hampshire Acutely Hazardous Wastes

NH Hazardous Waste No.	Hazardous Waste
NH03	Strontium sulfide
NH04 to NH11	Reserved

Env-Hw 402.05 Toxic Hazardous Wastes.

(a) The following materials, when waste, shall constitute toxic hazardous waste:

(1) Any commercial chemical product or manufacturing chemical intermediate, having the generic name listed in (b) or (c), below, or any off-specification chemical product or intermediate which, if it met specification, would have the generic name listed in (b) or (c), below; or

(2) Any residue remaining in a container or in an inner liner removed from a container that has held any material having the generic name listed in (b), below, unless the container is empty as defined in Env-Hw 401.03(h).

(b) EPA listed toxic wastes shall be as listed in Table 4.3 below:

Table 4.3 EPA Toxic Hazardous Wastes

EPA Hazardous Waste Number	Chemical Abstracts Number	Hazardous Waste
U001	75-07-0	Acetaldehyde (I)
U034	75-87-6	Acetaldehyde, trichloro-
U187	62-44-2	Acetamide, N-(4-ethoxyphenyl)-
U005	53-96-3	Acetamide, N-9H-fluoren-2-yl-
U240	[1]94-75-7	Acetic acid (2,4-dichlorophenoxy)-, salts and esters
U112	141-78-6	Acetic acid ethyl ester (I)
U144	301-04-2	Acetic acid, lead (2+) salt
U214	563-68-8	Acetic acid, thallium (1+) salt
See F027	93-76-5	Acetic acid,(2,4,5-trichlorophenoxy)-
U002	67-64-1	Acetone (I)
U003	75-05-8	Acetonitrile (I,T)
U004	98-86-2	Acetophenone
U005	53-96-3	2-Acetylaminofluorene
U006	75-36-5	Acetyl chloride (C,R,T)
U007	79-06-1	Acrylamide
U008	79-10-7	Acrylic acid (I)
U009	107-13-1	Acrylonitrile
U011	61-82-5	Amitrole
U012	62-53-3	Aniline (I,T)
U136	75-60-5	Arsinic acid, dimethyl-
U014	492-80-8	Auramine
U015	115-02-6	Azaserine

EPA Hazardous Waste Number	Chemical Abstracts Number	Hazardous Waste
U010	50-07-7	Azirino [2',3':3,4] pyrrolo [1,2-a] indole-4,7-dione,6-amino-8-[[(aminocarbonyl)oxy]methyl]-1,1a,2,8,8a,8b-hexahydro-8a-methoxy-5-methyl-, [1aS-(1aalpha,8beta,8aalpha,8balpha)]-
U157	56-49-5	Benz [j] aceanthrylene, 1,2-dihydro-3-methyl-
U016	225-51-4	Benz [c] acridine
U017	98-87-3	Benzal chloride
U192	23950-58-5	Benzamide, 3,5-dichloro-N-(1,1-dimethyl-2-propynyl)-
U018	56-55-3	Benz [a] anthracene
U094	57-97-6	Benz [a] anthracene, 7,12-dimethyl-
U012	62-53-3	Benzenamine (I,T)
U014	492-80-8	Benzenamine, 4,4'-carbonimidoylbis[N,N- dimethyl-
U049	3165-93-3	Benzenamine, 4-chloro-2-methyl-, hydrochloride
U093	60-11-7	Benzenamine, N,N-dimethyl-4-(phenylazo)-
U328	95-53-4	Benzenamine, 2-methyl-
U353	106-49-0	Benzenamine, 4-methyl-
U158	101-14-4	Benzenamine, 4,4'-methylenebis[2-chloro-
U222	636-21-5	Benzenamine, 2-methyl-, hydrochloride
U181	99-55-8	Benzenamine, 2-methyl-5-nitro-
U019	71-43-2	Benzene (I,T)
U038	510-15-6	Benzeneacetic acid, 4-chloro-alpha-(4-chlorophenyl)-alpha-hydroxy-, ethyl ester
U030	101-55-3	Benzene, 1-bromo-4-phenoxy-
U035	305-03-3	Benzenebutanoic acid, 4-[bis(2-chloroethyl)amino]-
U037	108-90-7	Benzene, chloro-
U221	25376-45-8	Benzenediamine, ar-methyl-
U028	117-81-7	1,2-Benzenedicarboxylic acid, bis (2-ethylhexyl) ester
U069	84-74-2	1,2-Benzenedicarboxylic acid, dibutyl ester
U088	84-66-2	1,2-Benzenedicarboxylic acid, diethyl ester
U102	131-11-3	1,2-Benzenedicarboxylic acid, dimethyl ester
U107	117-84-0	1,2-Benzenedicarboxylic acid, dioctyl ester
U070	95-50-1	Benzene, 1,2-dichloro-
U071	541-73-1	Benzene, 1,3-dichloro-
U072	106-46-7	Benzene, 1,4-dichloro-
U060	72-54-8	Benzene, 1,1'-(2,2-dichloroethylidene) bis [4-chloro-
U017	98-87-3	Benzene, (dichloromethyl)-
U223	26471-62-5	Benzene, 1,3-diisocyanatomethyl(R,T)
U239	1330-20-7	Benzene, dimethyl-(I,T)
U201	108-46-3	1,3-Benzenediol
U127	118-74-1	Benzene, hexachloro-
U056	110-82-7	Benzene, hexahydro-(I)
U220	108-88-3	Benzene, methyl-
U105	121-14-2	Benzene, 1-methyl-2,4-dinitro
U106	606-20-2	Benzene, 2-methyl-1,3-dinitro-
U055	98-82-8	Benzene, (1-methylethyl)- (I)

EPA Hazardous Waste Number	Chemical Abstracts Number	Hazardous Waste
U169	98-95-3	Benzene, nitro-
U183	608-93-5	Benzene, pentachloro-
U185	82-68-8	Benzene, pentachloronitro-
U020	98-09-9	Benzenesulfonic acid chloride (C,R)
U020	98-09-9	Benzenesulfonyl chloride (C,R)
U207	95-94-3	Benzene, 1,2,4,5-tetrachloro-
U061	50-29-3	Benzene, 1,1'-(2,2,2-trichloroethylidene) bis[4-chloro
U247	72-43-5	Benzene, 1,1'-(2,2,2-trichloroethylidene) bis[4-methoxy-
U023	98-07-7	Benzene, (trichloromethyl)-
U234	99-35-4	Benzene, 1,3,5-trinitro-
U021	92-87-5	Benzidine
U202	[1]81-07-2	1,2-Benzisothiazol-3(2H)-one, 1,1-dioxide & salts
U203	94-59-7	1,3 Benzodioxole, 5-(2-propenyl)-
U141	120-58-1	1,3 Benzodioxole, 5-(1-propenyl)-
U090	94-58-6	1,3 Benzodioxole, 5-propyl-
U064	189-55-9	Benzo[rst]pentaphene
U248	[1]81-81-2	2H-1-Benzopyran-2-one, 4 hydroxy-3- (3-oxo-1-phenyl-butyl)-, and salts when present at concentrations of 0.3% or less
U022	50-32-8	Benzo[a]pyrene
U197	106-51-4	p-Benzoquinone
U023	98-07-7	Benzotrichloride (C,R,T,)
U085	1464-53-5	2,2'-Bioxirane
U021	92-87-5	[1,1'-Biphenyl]-4-4'-diamine
U073	91-94-1	[1,1'-Biphenyl]-4,4'-diamine, 3,3'-dichloro-
U091	119-90-4	[1,1'-Biphenyl]-4-4'-diamine, 3,3'-dimethoxy-
U095	119-93-7	[1,1'-Biphenyl]-4-4'-diamine, 3,3'-dimethyl-
U225	75-25-2	Bromoform
U030	101-55-3	4-Bromophenyl phenyl ether
U128	87-68-3	1,3-Butadiene, 1,1,2,3,4,4-hexachloro-
U172	924-16-3	1-Butanamine, N-butyl-N-nitroso-
U031	71-36-3	1-Butanol (I)
U159	78-93-3	2-Butanone (I,T)
U160	1338-23-4	2-Butanone, peroxide (R,T)
U053	4170-30-3	2-Butenal
U074	764-41-0	2-Butene, 1,4-dichloro(I,T)
U143	303-34-4	2-Butenoic acid, 2-methyl-, 7-[[2,3-dihydroxy-2-(1-methoxyethyl)-3-methyl-1-oxobutoxy]methyl]-2,3,5,7a-tetrahydro-1H-pyrrolizin-1-yl ester, [1S-[1alpha(Z),7(2S*,3R*),7aalpha]]-
U031	71-36-3	n-Butyl alcohol (I)
U136	75-60-5	Cacodylic acid
U032	13765-19-0	Calcium chromate
U238	51-79-6	Carbamic acid, ethyl ester
U178	615-53-2	Carbamic acid, methylnitroso-, ethyl ester

EPA Hazardous Waste Number	Chemical Abstracts Number	Hazardous Waste
U097	79-44-7	Carbamic chloride, dimethyl-
U114	[1]111-54-6	Carbamodithioic acid, 1,2-ethanediylbis-, salts & esters
U062	2303-16-4	Carbamothioic acid, bis(1-methylethyl)-, S-(2,3-di-chloro-2-propenyl) ester
U215	6533-73-9	Carbonic acid, dithallium(1+) salt
U033	353-50-4	Carbonic difluoride
U156	79-22-1	Carbonochloridic acid, methyl ester (I,T)
U033	353-50-4	Carbon oxyfluoride (R,T)
U211	56-23-5	Carbon tetrachloride
U034	75-87-6	Chloral
U035	305-03-3	Chlorambucil
U036	57-74-9	Chlordane, alpha & gamma isomers
U026	494-03-1	Chlornaphazin
U037	108-90-7	Chlorobenzene
U038	510-15-6	Chlorobenzilate
U039	59-50-7	p-Chloro-m-cresol
U042	110-75-8	2-Chloroethyl vinyl ether
U044	67-66-3	Chloroform
U046	107-30-2	Chloromethyl, methyl ether
U047	91-58-7	beta-Chloronaphthalene
U048	95-57-8	o-Chlorophenol
U049	3165-93-3	4-Chloro-o-toluidine, hydrochloride
U032	13765-19-0	Chromic acid H_2CrO_4, calcium salt
U050	218-01-9	Chrysene
U051	---------	Creosote
U052	1319-77-3	Cresol (Cresylic acid)
U053	4170-30-3	Crotonaldehyde
U055	98-82-8	Cumene (I)
U246	506-68-3	Cyanogen bromide (CN)Br
U197	106-51-4	2,5-Cyclohexadiene-1,4-dione
U056	110-82-7	Cyclohexane (I)
U129	58-89-9	Cyclohexane, 1,2,3,4,5,6-hexachloro-, (1alpha,2alpha,3beta,4alpha,5alpha,6beta)-
U057	108-94-1	Cyclohexanone (I)
U130	77-47-4	1,3-Cyclopentadiene, 1,2,3,4,5,5-hexachloro-
U058	50-18-0	Cyclophosphamide
U240	[1]94-75-7	2,4-D, salts and esters
U059	20830-81-3	Daunomycin
U060	72-54-8	DDD
U061	50-29-3	DDT
U062	2303-16-4	Diallate
U063	53-70-3	Dibenz[a,h]anthracene
U064	189-55-9	Dibenzo[a,i]pyrene
U066	96-12-8	1,2-Dibromo-3-chloropropane
U069	84-74-2	Dibutyl phthalate

EPA Hazardous Waste Number	Chemical Abstracts Number	Hazardous Waste
U070	95-50-1	o-Dichlorobenzene
U071	541-73-1	m-Dichlorobenzene
U072	106-46-7	p-Dichlorobenzene
U073	91-94-1	3,3'-Dichlorobenzidine
U074	764-41-0	1,4-Dichloro-2-butene (I,T)
U075	75-71-8	Dichlorodifluoromethane
U078	75-35-4	1,1-Dichloroethylene
U079	156-60-5	1,2-Dichloroethylene
U025	111-44-4	Dichloroethyl ether
U027	108-60-1	Dichloroisopropyl ether
U024	111-91-1	Dichloromethoxy ethane
U081	120-83-2	2,4-Dichlorophenol
U082	87-65-0	2,6-Dichlorophenol
U084	542-75-6	1,3-Dichloropropene
U085	1464-53-5	1,2:3,4-Diepoxybutane (I,T)
U108	123-91-1	1,4-Diethyleneoxide
U028	117-81-7	Diethylhexyl phthalate
U086	1615-80-1	N,N'-Diethylhydrazine
U087	3288-58-2	O,O-Diethyl S-methyl dithiophosphate
U088	84-66-2	Diethyl phthalate
U089	56-53-1	Diethylstilbestrol
U090	94-58-6	Dihydrosafrole
U091	119-90-4	3,3'-Dimethoxybenzidine
U092	124-40-3	Dimethylamine (I)
U093	60-11-7	p-Dimethylaminoazobenzene
U094	57-97-6	7,12-Dimethylbenz[a]anthracene
U095	119-93-7	3,3'-Dimethylbenzidine
U096	80-15-9	alpha,alpha-Dimethylbenzylhydroperoxide (R)
U097	79-44-7	Dimethylcarbamoyl chloride
U098	57-14-7	1,1-Dimethylhydrazine
U099	540-73-8	1,2-Dimethylhydrazine
U101	105-67-9	2,4-Dimethylphenol
U102	131-11-3	Dimethyl phthalate
U103	77-78-1	Dimethyl sulfate
U105	121-14-2	2,4-Dinitrotoluene
U106	606-20-2	2,6-Dinitrotoluene
U107	117-84-0	Di-n-octyl phthalate
U108	123-91-1	1,4-Dioxane
U109	122-66-7	1,2-Diphenylhydrazine
U110	142-84-7	Dipropylamine (I)
U111	621-64-7	Di-n-propylnitrosamine
U041	106-89-8	Epichlorohydrin
U001	75-07-0	Ethanal (I)
U174	55-18-5	Ethanamine, N-ethyl-N-nitroso-
U155	91-80-5	1,2-Ethanediamine, N,N-dimethyl-N'-2-pyridinyl-N'-(2-

EPA Hazardous Waste Number	Chemical Abstracts Number	Hazardous Waste
		thienylmethyl)-
U067	106-93-4	Ethane, 1,2-dibromo-
U076	75-34-3	Ethane, 1,1-dichloro-
U077	107-06-2	Ethane, 1,2-dichloro-
U131	67-72-1	Ethane, hexachloro-
U024	111-91-1	Ethane, 1,1'-[methylenebis(oxy)]bis[2-chloro-
U117	60-29-7	Ethane, 1,1'-oxybis- (I)
U025	111-44-4	Ethane, 1,1'-oxybis[2-chloro-
U184	76-01-7	Ethane, pentachloro-
U208	630-20-6	Ethane, 1,1,1,2-tetrachloro-
U209	79-34-5	Ethane, 1,1,2,2-tetrachloro-
U218	62-55-5	Ethanethioamide
U226	71-55-6	Ethane, 1,1,1-trichloro-
U227	79-00-5	Ethane, 1,1,2-trichloro-
U359	110-80-5	Ethanol, 2-ethoxy-
U173	1116-54-7	Ethanol, 2,2'-(nitrosoimino)bis-
U004	98-86-2	Ethanone, 1-phenyl-
U043	75-01-4	Ethene, chloro-
U042	110-75-8	Ethene, (2-chloroethoxy)
U078	75-35-4	Ethene, 1,1-dichloro-
U079	156-60-5	Ethene, 1,2-dichloro-,(E)-
U210	127-18-4	Ethene, tetrachloro-
U228	79-01-6	Ethene, trichloro-
U112	141-78-6	Ethyl acetate (I)
U113	140-88-5	Ethyl acrylate (I)
U238	51-79-6	Ethyl carbamate (urethane)
U117	60-29-7	Ethyl ether (I)
U114	[1]111-54-6	Ethylenebisdithiocarbamic acid, salts & esters
U067	106-93-4	Ethylene dibromide
U077	107-06-2	Ethylene dichloride
U359	110-80-5	Ethylene glycol monoethyl ether
U115	75-21-8	Ethylene oxide (I,T)
U116	96-45-7	Ethylenethiourea
U076	75-34-3	Ethylidene dichloride
U118	97-63-2	Ethyl methacrylate
U119	62-50-0	Ethyl methanesulfonate
U120	206-44-0	Fluoranthene
U122	50-00-0	Formaldehyde
U123	64-18-6	Formic acid (C,T)
U124	110-00-9	Furan (I)
U125	98-01-1	2-Furancarboxaldehyde (I)
U147	108-31-6	2,5-Furandione
U213	109-99-9	Furan, tetrahydro (I)
U125	98-01-1	Furfural (I)
U124	110-00-9	Furfuran (I)

EPA Hazardous Waste Number	Chemical Abstracts Number	Hazardous Waste
U206	18883-66-4	Glucopyranose, 2-deoxy-2-(3-methyl-3-nitrosoureido)-,D-
U206	18883-66-4	D-Glucose, 2-deoxy-2-[[(methylnitrosoamino) - carbonyl]amino]-
U126	765-34-4	Glycidylaldehyde
U163	70-25-7	Guanidine, N-methyl-N'-nitro-N-nitroso-
U127	118-74-1	Hexachlorobenzene
U128	87-68-3	Hexachlorobutadiene
U130	77-47-4	Hexachlorocyclopentadiene
U131	67-72-1	Hexachloroethane
U132	70-30-4	Hexachlorophene
U243	1888-71-7	Hexachloropropene
U133	302-01-2	Hydrazine (R,T)
U086	1615-80-1	Hydrazine, 1,2-diethyl-
U098	57-14-7	Hydrazine, 1,1-dimethyl-
U099	540-73-8	Hydrazine, 1,2-dimethyl-
U109	122-66-7	Hydrazine, 1,2-diphenyl-
U134	7664-39-3	Hydrofluoric acid (C,T)
U134	7664-39-3	Hydrogen fluoride (C,T)
U135	7783-06-4	Hydrogen sulfide
U135	7783-06-4	Hydrogen sulfide H_2S
U096	80-15-9	Hydroperoxide, 1-methyl-1-phenylethyl (R)
U116	96-45-7	2-Imidazolidinethione
U137	193-39-5	Indeno[1,2,3-cd]pyrene
U190	85-44-9	1,3-Isobenzofurandione
U140	78-83-1	Isobutyl alcohol (I,T)
U141	120-58-1	Isosafrole
U142	143-50-0	Kepone
U143	303-34-4	Lasiocarpine
U144	301-04-2	Lead acetate
U146	1335-32-6	Lead, bis(acetato-O)tetrahydroxytri-
U145	7446-27-7	Lead phosphate
U146	1335-32-6	Lead subacetate
U129	58-89-9	Lindane
U163	70-25-7	MNNG
U147	108-31-6	Maleic anhydride
U148	123-33-1	Maleic hydrazide
U149	109-77-3	Malononitrile
U150	148-82-3	Melphalan
U151	7439-97-6	Mercury
U152	126-98-7	Methacrylonitrile (I,T)
U092	124-40-3	Methanamine, N-methyl-(I)
U029	74-83-9	Methane, bromo-
U045	74-87-3	Methane, chloro (I,T)
U046	107-30-2	Methane, chloromethoxy-
U068	74-95-3	Methane, dibromo-

EPA Hazardous Waste Number	Chemical Abstracts Number	Hazardous Waste
U080	75-09-2	Methane, dichloro-
U075	75-71-8	Methane,dichlorodifluoro-
U138	74-88-4	Methane, iodo-
U119	62-50-0	Methanesulfonic acid, ethyl ester
U211	56-23-5	Methane, tetrachloro-
U153	74-93-1	Methanethiol (I,T)
U225	75-25-2	Methane, tribromo-
U044	67-66-3	Methane, trichloro-
U121	75-69-4	Methane, trichlorofluoro-
U036	57-74-9	4,7-Methano-1H-indene, 1,2,4,5,6,7,8, 8-octachloro-2,3,3a,4,7,7a-hexahydro-
U154	67-56-1	Methanol (I)
U155	91-80-5	Methapyrilene
U142	143-50-0	1,3,4-Metheno-2H-cyclobuta[cd]pentalen -2-one,1,1a,3,3a,4,5,5,5a,5b,6-decachlorooctahydro-
U247	72-43-5	Methoxychlor
U154	67-56-1	Methyl alcohol (I)
U029	74-83-9	Methyl bromide
U186	504-60-9	1-Methylbutadiene (I)
U045	74-87-3	Methyl chloride (I,T)
U156	79-22-1	Methyl chlorocarbonate (I,T)
U226	71-55-6	Methyl chloroform
U157	56-49-5	3-Methylcholanthrene
U158	101-14-4	4,4'-Methylenebis(2-chloroaniline)
U068	74-95-3	Methylene bromide
U080	75-09-2	Methylene chloride
U159	78-93-3	Methyl ethyl ketone (MEK) (I,T)
U160	1338-23-4	Methyl ethyl ketone peroxide (R,T)
U138	74-88-4	Methyl iodide
U161	108-10-1	Methyl isobutyl ketone (I)
U162	80-62-6	Methyl methacrylate (I,T)
U161	108-10-1	4-Methyl-2-pentanone (I)
U164	56-04-2	Methylthiouracil
U010	50-07-7	Mitomycin C
U059	20830-81-3	5,12-Napthacenedione, 8-acetyl-10-[(3-amino-2,3,6-trideoxy)-alpha-L-lyxo-hexopyranosyl)oxy]-7,8,9,10-tetrahydro-6,8,11-trihydroxy-1-methoxy-,(8S-cis)-
U167	134-32-7	1-Naphthalenamine
U168	91-59-8	2-Naphthalenamine
U026	494-03-1	Napthalenamine, N,N'-bis(2-chloroethyl)-
U165	91-20-3	Naphthalene
U047	91-58-7	Naphthalene, 2-chloro-
U166	130-15-4	1,4-Naphthalenedione
U236	72-57-1	2,7-Naphthalenedisulfonic acid, 3,3'-[(3,3'-dimethyl[1,1'-biphenyl]-4,4'-diyl)bis(azo)bis[5-amino-4-hydroxy]-,

EPA Hazardous Waste Number	Chemical Abstracts Number	Hazardous Waste
		tetrasodium salt
U166	130-15-4	1,4-Naphthoquinone
U167	134-32-7	alpha-Naphthylamine
U168	91-59-8	beta-Naphthylamine
U217	10102-45-1	Nitric acid, thallium(1+) salt
U169	98-95-3	Nitrobenzene (I,T)
U170	100-02-7	p-Nitrophenol
U171	79-46-9	2-Nitropropane (I,T)
U172	924-16-3	N-Nitrosodi-n-butylamine
U173	1116-54-7	N-Nitrosodiethanolamine
U174	55-18-5	N-Nitrosodiethylamine
U176	759-73-9	N-Nitroso-N-ethylurea
U177	684-93-5	N-Nitroso-N-methylurea
U178	615-53-2	N-Nitroso-N-methylurethane
U179	100-75-4	N-Nitrosopiperidine
U180	930-55-2	N-Nitrosopyrrolidine
U181	99-55-8	5-Nitro-o-toluidine
U193	1120-71-4	1,2-Oxathiolane, 2,2-dioxide
U058	50-18-0	2H-1,3,2-Oxazaphosphorin-2-amine, N,N-bis (2-chloroethyl)tetrahydro-, 2-oxide
U115	75-21-8	Oxirane (I,T)
U126	765-34-4	Oxiranecarboxyaldehyde
U041	106-89-8	Oxirane, (chloromethyl)-
U182	123-63-7	Paraldehyde
U183	608-93-5	Pentachlorobenzene
U184	76-01-7	Pentachloroethane
U185	82-68-8	Pentachloronitrobenzene (PCNB)
See F027	87-86-5	Pentachlorophenol
U186	504-60-9	1,3-Pentadiene (I)
U161	108-10-1	Pentanol, 4-methyl-
U187	62-44-2	Phenacetin
U188	108-95-2	Phenol
U048	95-57-8	Phenol, 2-chloro-
U039	59-50-7	Phenol, 4-chloro-3-methyl-
U081	120-83-2	Phenol, 2,4-dichloro-
U082	87-65-0	Phenol, 2,6-dichloro-
U089	56-53-1	Phenol, 4,4'-(1,2-diethyl-1,2-ethenediyl)bis-, (E)-
U101	105-67-9	Phenol, 2,4-dimethyl-
U052	1319-77-3	Phenol, methyl-
U132	70-30-4	Phenol, 2,2'-methylenebis[3,4,6-trichloro-
U170	100-02-7	Phenol, 4-nitro-
See F027	87-86-5	Phenol, pentachloro-
See F027	58-90-2	Phenol, 2,3,4,6-tetrachloro-
See F027	95-95-4	Phenol, 2,4,5-trichloro-
See F027	88-06-2	Phenol, 2,4,6-trichloro-

EPA Hazardous Waste Number	Chemical Abstracts Number	Hazardous Waste
U150	148-82-3	L-Phenylalanine, 4-[bis(2-chloroethyl)amino]-
U145	7446-27-7	Phosphoric acid, lead(2+) salt (2:3)
U087	3288-58-2	Phosphorodithioic acid, O,O-diethyl S-methyl ester
U189	1314-80-3	Phosphorous sulfide (R)
U190	85-44-9	Phthalic anhydride
U191	109-06-8	2-Picoline
U179	100-75-4	Piperidine, 1-nitroso-
U192	23950-58-5	Pronamide
U194	107-10-8	1-Propanamine (I,T)
U111	621-64-7	1-Propanamine, N-nitroso-N-propyl-
U110	142-84-7	1-Propanamine, N-propyl-(I)
U066	96-12-8	Propane, 1,2-dibromo-3-chloro-
U083	78-87-5	Propane, 1,2-dichloro-
U149	109-77-3	Propanedinitrile
U171	79-46-9	Propane, 2-nitro-(I,T)
U027	108-60-1	Propane, 2,2'-oxybis[2-chloro-
U193	1120-71-4	1,3-Propane sultone
See F027	93-72-1	Propanoic acid, 2-(2,4,5-trichlorophenoxy)-
U235	126-72-7	1-Propanol, 2,3-dibromo-, phosphate (3:1)
U140	78-83-1	1-Propanol, 2-methyl-(I,T)
U002	67-64-1	2-Propanone (I)
U007	79-06-1	2-Propenamide
U084	542-75-6	1-Propene, 1,3-dichloro-
U243	1888-71-7	1-Propene, 1,1,2,3,3,3-hexachloro-
U009	107-13-1	2-Propenenitrile
U152	126-98-7	2-Propenenitrile, 2-methyl-(I,T)
U008	79-10-7	2-Propenoic acid (I)
U113	140-88-5	2-Propenoic acid, ethyl ester (I)
U118	97-63-2	2-Propenoic acid, 2-methyl-, ethyl ester
U162	80-62-6	2-Propenoic acid, 2-methyl-, methyl ester (I,T)
U194	107-10-8	n-Propylamine (I,T)
U083	78-87-5	Propylene dichloride
U148	123-33-1	3,6-Pyridazinedione, 1,2-dihydro-
U196	110-86-1	Pyridine
U191	109-06-8	Pyridine, 2-methyl-
U237	66-75-1	2,4-(1H,3H)-Pyrimidinedione, 5-[bis(2-chloroethyl) amino]-
U164	56-04-2	4(1H)-Pyrimidinone,2,3-dihydro-6-methyl-2-thioxo-
U180	930-55-2	Pyrrolidine, 1-nitroso-
U200	50-55-5	Reserpine
U201	108-46-3	Resorcinol
U202	[1]81-07-2	Saccharin and salts
U203	94-59-7	Safrole
U204	7783-00-8	Selenious acid
U204	7783-00-8	Selenium dioxide

EPA Hazardous Waste Number	Chemical Abstracts Number	Hazardous Waste
U205	7488-56-4	Selenium sulfide
U205	7488-56-4	Selenium sulfide SeS_2(R,T)
U015	115-02-6	L-Serine, diazoacetate (ester)
See F027	93-72-1	Silvex (2,4,5-TP)
U206	18883-66-4	Streptozotocin
U103	77-78-1	Sulfuric acid, dimethyl ester
U189	1314-80-3	Sulfur phosphide (R)
See F027	93-76-5	2,4,5-T
U207	95-94-3	1,2,4,5-Tetrachlorobenzene
U208	630-20-6	1,1,1,2-Tetrachloroethane
U209	79-34-5	1,1,2,2-Tetrachloroethane
U210	127-18-4	Tetrachloroethylene
See F027	58-90-2	2,3,4,6-Tetrachlorophenol
U213	109-99-9	Tetrahydrofuran (I)
U214	563-68-8	Thallium(I) acetate
U215	6533-73-9	Thallium(I) carbonate
U216	7791-12-0	Thallium(I) chloride
U216	7791-12-0	Thallium chloride TlCl
U217	10102-45-1	Thallium(I) nitrate
U218	62-55-5	Thioacetamide
U153	74-93-1	Thiomethanol (I,T)
U244	137-26-8	Thioperoxydicarbonic diamide $[(H_2N)C(S)]_2S_2$, tetramethyl-
U219	62-56-6	Thiourea
U244	137-26-8	Thiram
U220	108-88-3	Toluene
U221	25376-45-8	Toluenediamine
U223	26471-62-5	Toluene diisocyanate (R,T)
U328	95-53-4	o-Toluidine
U353	106-49-0	p-Toluidine
U222	636-21-5	o-Toluidine hydrochloride
U011	61-82-5	1H-1,2,4-Triazol-3-amine
U227	79-00-5	1,1,2-Trichloroethane
U228	79-01-6	Trichloroethylene
U121	75-69-4	Trichloromonofluoromethane
See F027	95-95-4	2,4,5-Trichlorophenol
See F027	88-06-2	2,4,6-Trichlorophenol
U234	99-35-4	1,3,5-Trinitrobenzene (R,T)
U182	123-63-7	1,3,5-Trioxane, 2,4,6-trimethyl-
U235	126-72-7	Tris(2,3-dibromopropyl) phosphate
U236	72-57-1	Trypan blue
U237	66-75-1	Uracil mustard
U176	759-73-9	Urea, N-ethyl-N-nitroso-
U177	684-93-5	Urea, N-methyl-N-nitroso-
U043	75-01-4	Vinyl chloride

EPA Hazardous Waste Number	Chemical Abstracts Number	Hazardous Waste
U248	[1]81-81-2	Warfarin, & salts, when present at concentrations of 0.3% or less
U239	1330-20-7	Xylene (I)
U200	50-55-5	Yohimban-16-carboxylic acid,11,17-dimethoxy -18-[(3,4,5-trimethoxybenzoyl)oxy]-,methyl ester,(3beta,16beta,17alpha,18beta,20alpha)-
U249	1314-84-7	Zinc phosphide Zn_3P_2, when present at concentrations of 10% or less

[1] CAS number given for parent compound only.

(c) New Hampshire-listed toxic wastes shall be as listed in Table 4.4 below:

Table 4.4 New Hampshire-Listed Toxic Wastes

NH12 to NH50	Reserved

Env-Hw 402.06 Generic Industrial Process Wastes.

(a) EPA listed generic industrial process wastes shall be as listed in Table 4.5 below:

Table 4.5 EPA Generic Industrial Process Wastes

Industry and EPA Hazardous Waste Number	Hazardous Waste	Hazard Code
Generic:		
F001	The following spent halogenated solvents used in degreasing: Tetrachloroethylene, trichloroethylene, methylene chloride, 1,1,1-trichloroethane, carbon tetrachloride, and chlorinated fluorocarbons; all spent solvent mixtures/blends used in degreasing containing, before use, a total of 10 percent or more, by volume, of one or more of the above halogenated solvents or those solvents listed in F002, F004, and F005; and still bottoms from the recovery of these spent solvents and spent solvent mixtures.	(T)
F002	The following spent halogenated solvents: Tetrachloroethylene, methylene chloride, trichloroethylene, 1,1,1-trichloroethane, chlorobenzene, 1,1,2-trichloro-1,2,2-trifluoroethane, ortho-dichlorobenzene, trichlorofluoromethane, and 1,1,2- trichloroethane; all spent solvent mixtures/blends containing, before use, a total of 10 percent or more, by volume, of one or more of the above halogenated solvents or those listed in F001, F004, or F005; and still bottoms from the recovery of these spent solvents and spent solvent mixtures.	(T)

F003	The following spent non-halogenated solvents: Xylene, acetone, ethyl acetate, ethyl benzene, ethyl ether, methyl isobutyl ketone, n-butyl alcohol, cyclohexanone, and methanol; all spent solvent mixtures/blends containing, before use, only the above spent non-halogenated solvents; all spent solvent mixtures/blends containing, before use, one or more of the above non-halogenated solvents, and, a total of 10 percent or more, by volume, of one or more of those solvents listed in F001, F002, F004, and F005; and stillbottoms from the recovery of these spent solvents and spent solvent mixtures.	(I)
F004	The following spent non-halogenated solvents: Cresols and cresylic acid, and nitrobenzene; all spent solvent mixtures/blends containing, before use, a total of 10 percent or more, by volume, of one or more of the above non-halogenated solvents or those solvents listed in F001, F002, and F005; and still bottoms from the recovery of these spent solvents and spent solvent mixtures.	(T)
F005	The following spent non-halogenated solvents: Toluene, methyl ethyl ketone, carbon disulfide, isobutanol, pyridine, benzene, 2-ethoxyethanol, and 2-nitropropane; all spent solvent mixtures/blends containing, before use, a total of 10 percent or more, by volume, of one or more of the above non-halogenated solvents or those solvents listed in F001, F002, or F004; and still bottoms from the recovery of these spent solvents and spent solvent mixtures.	(I,T)
F006	Wastewater treatment sludges from electroplating operations except from the following processes: (1) Sulfuric acid anodizing of aluminum; (2) tin plating on carbon steel;(3) zinc plating (segregated basis) on carbon steel; (4) aluminum or zinc-aluminum plating on carbon steel; (5) cleaning/stripping associated with tin, zinc and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum.	(T)
F007	Spent cyanide plating bath solutions from electroplating operations.	(R,T)
F008	Plating bath residues from the bottom of plating baths from electroplating operations where cyanides are used in the process.	(R,T)
F009	Spent stripping and cleaning bath solutions from electroplating operations where cyanides are used in the process.	(R,T)
F010	Quenching bath residues from oil baths from metal heat treating operations where cyanides are used in the process.	(R,T)
F011	Spent cyanide solutions from salt bath pot cleaning from metal heat treating operations.	(R,T)
F012	Quenching waste water treatment sludges from metal heat treating operations where cyanides are used in the process.	(T)
F019	Wastewater treatment sludges from the chemical conversion coating of aluminum except from zirconium phosphating in aluminum can washing when such phosphating is an exclusive conversion coating process.	(T)

F020	Wastes, except wastewater and spent carbon from hydrogen chloride purification, from the production or manufacturing use, as a reactant, chemical intermediate, or component in a formulating process, of tri- or tetrachlorophenol, or of intermediates used to produce their pesticide derivatives. Wastes from the production of Hexachlorophene from highly purified 2,4,5-trichlorophenol shall not be included with the wastes listed under the F020 hazardous waste number.	(H)
F021	Wastes, except wastewater and spent carbon from hydrogen chloride purification, from the production or manufacturing use as a reactant, chemical intermediate, or component in a formulating process, of pentachlorophenol, or of intermediates used to produce its derivatives.	(H)
F022	Wastes, except wastewater and spent carbon from hydrogen chloride purification, from the production or manufacturing use as a reactant, chemical intermediate, or component in a formulating process, of tetra-, penta-, or hexachlorobenzenes under alkaline conditions.	(H)
F023	Wastes, except wastewater and spent carbon from hydrogen chloride purification, from the production of materials on equipment previously used for the production or manufacturing use as a reactant, chemical intermediate, or component in a formulating process, of tri- and tetrachlorophenols. Wastes from equipment used only for the production or use of Hexachlorophene from highly purified 2,4,5-trichlorophenol shall not be included with the wastes listed under the F023 hazardous waste number.	(H)
F024	Process wastes, including but not limited to, distillation residues, heavy ends, tars, and reactor clean-out wastes, from the production of certain chlorinated aliphatic hydrocarbons by free radical catalyzed processes. These chlorinated aliphatic hydrocarbons are those having carbon chain lengths ranging from 1 to and including 5, with varying amounts and positions of chlorine substitution. This listing does not include wastewaters, wastewater treatment sludges, spent catalysts, and wastes listed in Env-Wm 402.06 and 402.07.	(T)
F025	Condensed light ends, spent filters and filter aids, and spent desiccant wastes from the production of certain chlorinated aliphatic hydrocarbons, by free radical catalyzed processes. These chlorinated aliphatic hydrocarbons are those having carbon chain lengths ranging from 1 to and including 5, with varying amounts and positions of chlorine substitution.	(T)
F026	Wastes, except wastewater and spent carbon from hydrogen chloride purification, from the production of materials on equipment previously used for the manufacturing use, as a reactant, chemical intermediate, or component in a formulating process, of tetra-, penta-, or hexachlorobenzene under alkaline conditions.	(H)
F027	Discarded unused formulations containing tri-, tetra-, or pentachlorophenol or discarded unused formulations containing compounds derived from these chlorophenols. Formulations containing Hexachlorophene synthesized from prepurified 2,4,5-trichlorophenol as the sole component shall not be included with the wastes listed under the F027 hazardous waste number.	(H)

F028	Residues resulting from the incineration or thermal treatment of soil contaminated with EPA Hazardous Waste Numbers F020, F021, F022, F023, F026, and F027.	(T)

(b) The hazard codes (I, T) shall be used to specify mixtures of F003 with F001, F002, F004, and F005 wastes which would then contain ignitable and toxic constituents.

(c) New Hampshire listed generic process wastes shall be as listed in Table 4.6 below:

Table 4.6 New Hampshire Generic Process Wastes

Industry and EPA Hazardous Waste Number	Hazardous Waste	Hazard Code
NH01	Used Oil	(T)
NH51 to NH74	Reserved	

Env-Hw 402.07 Specific Industrial Process Wastes.

(a) EPA listed specific industrial process wastes shall be as listed in Table 4.7 below:

Table 4.7 EPA Specific Industrial Process Wastes

Industry and EPA Hazardous Waste Number	Hazardous Waste	Hazard Code
Wood Preservation:		
K001	Bottom sediment sludge from the treatment of wastewaters from wood preserving processes that use creosote and/or pentachlorophenol.	(T)
Inorganic Pigments:		
K002	Wastewater treatment sludge from the production of chrome yellow and orange pigments.	(T)
K003	Wastewater treatment sludge from the production of molybdate orange pigments.	(T)
K004	Wastewater treatment sludge from the production of zinc yellow pigments.	(T)
K005	Wastewater treatment sludge from the production of chrome green pigments.	(T)
K006	Wastewater treatment sludge from the production of chrome oxide green pigments (anhydrous and hydrated).	(T)
K007	Wastewater treatment sludge from the production of iron blue pigments.	(T)
K008	Oven residue from the production of chrome oxide green pigments.	(T)

Industry and EPA Hazardous Waste Number	Hazardous Waste	Hazard Code
Organic Chemicals:		
K009	Distillation bottoms from the production of acetaldehyde from ethylene.	(T)
K010	Distillation side cuts from the production of acetaldehyde from ethylene.	(T)
K011	Bottom stream from the wastewater stripper in the production of acrylonitrile.	(R,T)
K013	Bottom stream from the acetonitrile column in the production of acrylonitrile.	(R,T)
K014	Bottoms from the acetonitrile purification column in the production of acrylonitrile.	(T)
K015	Still bottoms from the distillation of benzyl chloride.	(T)
K016	Heavy ends or distillation residues from the production of carbon tetrachloride.	(T)
K017	Heavy ends (still bottoms) from the purification column in the production of epichlorohydrin.	(T)
K018	Heavy ends from the fractionation column in ethyl chloride production.	(T)
K019	Heavy ends from the distillation of ethylene dichloride in ethylene dichloride production.	(T)
K020	Heavy ends from the distillation of vinyl chloride in vinyl chloride monomer production.	(T)
K021	Aqueous spent antimony catalyst waste from fluoromethanes production.	(T)
K022	Distillation bottom tars from the production of phenol/acetone from cumene.	(T)
K023	Distillation light ends from the production of phthalic anhydride from napthalene.	(T)
K024	Distillation bottoms from the production of phthalic anhydride from naphthalene.	(T)
K025	Distillation bottoms from the production of nitrobenzene by the nitration of benzene.	(T)
K026	Stripping still tails from the production of methyl ethyl pyridines.	(T)
K027	Centrifuge and distillation residues from toluene diisocyanate production.	(R,T)
K028	Spent catalyst from the hydrochlorinator reactor in the production of 1,1,1-trichloroethane.	(T)
K029	Waste from the product steam stripper in the production of 1,1,1-trichloroethane.	(T)
K030	Column bottoms or heaby ends from the combined production for trichloroethylene and perchloroethylene.	(T)
K083	Distillation bottoms from aniline production.	(T)
K085	Distillation or fractionation column bottoms from the production of chlorobenzenes.	(T)
K093	Distillation light ends from the production of phthalic anhydride	(T)

Industry and EPA Hazardous Waste Number	Hazardous Waste	Hazard Code
	from ortho-xylene.	
K094	Distillation bottoms from the production of phthalic phthalic anhydride from ortho-xylene.	(T)
K095	Distillation bottoms from the production of 1,1,1-trichloroethane.	(T)
K103	Process residues from aniline extraction from the production of aniline.	(T)
K104	Combined wastewater streams generated from nitrobenzene/ aniline production.	(T)
K105	Separated aqueous stream from the reactor product washing step in the production of chlorobenzenes.	(T)
K107	Column bottoms from product separation from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.	(C,T)
K108	Condensed column overheads from product separation and condensed reactor vent gases from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.	(I,T)
K109	Spent filter cartridges from product purification from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.	(T)
K110	Condensed column overheads from immediate separation from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.	(T)
K111	Product washwaters from the production of dinitrotoluene via nitration of toluene.	(C,T)
K112	Reaction by-product water from the drying column in the production of toluenediamine via hydrogenation of dinitrotoluene.	(T)
K113	Condensed liquid light ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.	(T)
K114	Vicinals from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.	(T)
K115	Heavy ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.	(T)
K116	Organic condensate from the solvent recovery column in the production of toluene diisocyanate via phosgenation of toluenediamine.	(T)
K117	Wastewater from the reactor vent gas scrubber in production of ethylene dibromide via bromination of ethene.	(T)
K118	Spent adsorbent solids from purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene.	(T)
K136	Still bottoms from the purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene.	(T)
K149	Distillation bottoms from the production of alpha- or methyl-chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups. This waste does not include still bottoms from the distillation of benzyl	(T)

Industry and EPA Hazardous Waste Number	Hazardous Waste	Hazard Code
	chloride.	
K150	Organic residuals, excluding spent carbon adsorbent, from the spent chlorine gas and hydrochloric acid recovery processes associated with the production of alpha- or methyl- chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups.	(T)
K151	Wastewater treatment sludges, excluding neutralization and biological sludges, generated during the treatment of wastewaters from the production of alpha- or methyl- chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups.	(T)
Inorganic Chemicals:		
K071	Brine purification muds from the mercury cell process in chlorine production, where separately prepurified brine is not used.	(T)
K073	Chlorinated hydrocarbon waste from the purification step of the diaphragm cell process using graphite.	(T)
K106	Wastewater treatment sludge from the mercury cell process in chlorine production.	(T)
Pesticides:		
K031	By-product salts generated in the production of MSMA and cacodylic acid.	(T)
K032	Wastewater treatment sludge from the production of chlordane.	(T)
K033	Wastewater and scrub water from the chlorination of cyclopentadiene in the production of chlordane.	(T)
K034	Filter solids from the filtration of hexachlorocyclo-pentadiene in the production of chlordane.	(T)
K035	Wastewater treatment sludges generated in the production of creosote.	(T)
K036	Still bottoms from toluene reclamation distillation in the production of disulfoton.	(T)
K037	Wastewater treatment sludges from the production of disulfoton.	(T)
K038	Wastewater from the washing and stripping of phorate production.	(T)
K039	Filter cake from the filtration of diethylphospho-rodithioic acid in the production of phorate.	(T)
K040	Wastewater treatment sludge from the production of phorate.	(T)
K041	Wastewater treatment sludge from the production of toxaphene.	(T)
K042	Heavy ends or distillation residues from the distillation of tetrachlorobenzene in the production of 2,4,5-T.	(T)
K043	2,6-Dichlorophenol waste from the production of 2,4-D	(T)
K097	Vacuum stripper discharge from the chlordane chlorinator in the production of chlordane.	(T)
K098	Untreated process wastewater from the production of toxaphene.	(T)
K099	Untreated wastewater from the production of 2,4-D	(T)
K123	Process wastewater, including supernates, filtrates and washwaters, from the production of ethylenebisdithiocarbamic	(T)

Industry and EPA Hazardous Waste Number	Hazardous Waste	Hazard Code
	acid and its salt.	
K124	Reactor vent scrubber water from the production of ethylenebisdithiocarbamic acid and its salts.	(C,T)
K125	Filtration, evaporation, and centrifugation solids from the production of ethylenebisdithiocarbamic acid and its salts.	(T)
K126	Baghouse dust and floor sweepings in milling and packaging operations from the production or formulation of ethylenebisdithiocarbamic acid and its salts.	(T)
K131	Wastewater from the reactor and spent sulfuric acid from the acid dryer from the production of methyl bromide.	(C,T)
K132	Spent absorbent and wastewater separator solids from the production of methyl bromide.	(T)
Explosives:		
K044	Wastewater treatment sludges from the manufacturing processing of explosives.	(R)
K045	Spent carbon from the treatment of wastewater containing explosives.	(R)
K046	Wastewater treatment sludges from the manufacturing, formulation and loading of lead-based initiating compounds.	(T)
K047	Pink/red water from TNT operations.	(R)
Petroleum Refining:		
K048	Dissolved air flotation (DAF) float from the petroleum refining industry.	(T)
K049	Slop oil emulsion solids from the petroleum refining industry.	(T)
K050	Heat exchanger bundle cleaning sludge from the petroleum refining industry.	(T)
K051	API separator sludge from the petroleum refining industry.	(T)
K052	Tank bottoms (leaded) from the petroleum refining industry.	(T)
Iron and Steel:		
K061	Emission control dust/sludge from the primary production of steel in electric furnaces.	(T)
K062	Spent pickle liquor generated by steel finishing operations of facilities within the iron and steel industry (SIC codes 331 and 332).	(C,T)
Primary copper:		
K064	Acid plant blowdown slurry/sludge resulting from the thickening of blowdown slurry from primary copper production.	(T)
Primary lead:		
K065	Surface impoundment solids contained in and dredged from surface impoundments at primary lead smelting facilities.	(T)
Primary zinc:		
K066	Sludge from treatment of process wastewater and/or acid plant blowdown from primary zinc production.	(T)
Primary aluminum:		
K088	Spent potliners from primary aluminum reduction.	(T)

Industry and EPA Hazardous Waste Number	Hazardous Waste	Hazard Code
Ferroalloys:		
K090	Emission control dust or sludge from ferrochromium-silicon production.	(T)
K091	Emission control dust or sludge from ferrochromium production.	(T)
Secondary Lead:		
K069	Emission control dust/sludge from secondary lead smelting.	(T)
K100	Waste leaching solution from acid leaching of emission control dust/sludge from secondary lead smelting.	(T)
Veterinary Pharmaceuticals:		
K084	Wastewater treatment sludges generated during the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.	(T)
K101	Distillation tar residues from the distillation of aniline-based compounds in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.	(T)
K102	Residue from the use of activated carbon for decolorization in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.	(T)
Ink Formulation:		
K086	Solvent washes and sludges, caustic washes and sludges, or water washes and sludges from cleaning tubs and equipment used in the formulation of ink from pigments, driers, soaps, and stabilizers containing chromium and lead.	(T)
Coking:		
K087	Decanter tank tar sludge from coking operations.	(T)
K141	Process residues from the recovery of coal tar, including but not limited to, collecting sump residues from the production of coke from coal tar or the recovery of coke by-products produced from coal. This listing does not include K087 (decanter tank tar sludges from coking operations).	(T)
K142	Tar storage tank residues from the production of coke from coal or from the recovery of coke by-products produced from coal.	(T)
K143	Process residues from the recovery of light oil, including but not limited to, those generated in stills, decanters, and wash oil recovery units from the recovery of coke by-products produced from coal	(T)
K144	Wastewater sump residues from light oil refining, including but not limited to, intercepting or contamination sump sludges from the recovery of coke by-products produced from coal.	(T)
K145	Residues from naphthalene collection and recovery operations from the recovery of coke by-products produced from coal.	(T)
K147	Tar storage tank residues from coal tar refining.	(T)
K148	Residues from coal tar distillation, including but not limited to, still bottoms.	(T)

(b) New Hampshire specific industrial process wastes shall be as listed in Table 4.8 below:

Table 4.8 New Hampshire Specific Industrial Wastes

NH Hazardous Waste	Hazardous Waste
NH75 to NH97	Reserved

PART Env-Hw 403 CHARACTERISTIC HAZARDOUS WASTES

Env-Hw 403.01 Characteristic Hazardous Wastes.

(a) A waste shall be considered a hazardous waste if it exhibits any of the characteristics identified in Env-Hw 403.

(b) For purposes of Env-Hw 403 and Env-Hw 405.03, the department shall consider a sample obtained using a sampling method appropriate for the waste as specified in 40 CFR 261 Appendix I, 7-1-07 edition, to be a representative sample as defined in Env-Hw 104.

Env-Hw 403.02 Hazardous Waste Numbers.

(a) The hazardous waste numbers assigned by EPA for characteristic hazardous wastes shall be as set forth in Env-Hw 403.03, Env-Hw 403.04, Env-Hw 403.05, and Env-Hw 403.06.

(b) EPA hazardous waste numbers or NH hazardous waste numbers for characteristic hazardous wastes shall be used in complying with the notification, labeling, manifest and recordkeeping and reporting requirements of Env-Hw 500, Env-Hw 600, Env-Hw 700, and Env-Hw 800.

Env-Hw 403.03 Ignitability.

(a) A waste that exhibits the characteristic of ignitability but is not listed as a hazardous waste in Env-Hw 402.04(b), Env-Hw 402.05(b), Env-Hw 402.06(a) or Env-Hw 402.07(a) and is not a mixture under Env-Hw 404.01(a) shall be assigned the EPA hazardous waste number of D001.

(b) A waste shall be classified under these rules as ignitable if a representative sample of the waste has any of the following characteristics:

(1) It is a liquid, other than an aqueous solution containing less than 24 percent alcohol by volume, and has a flash point less than 60°C (140°F) as determined by:

a. A Pensky-Martens Closed Cup Tester, using the test method specified in ASTM Standard D-93-79 or D-93-80, incorporated by reference at Env-Hw 401.06;

b. A Setaflash Closed Cup Tester, using the test method specified in ASTM Standard D-3278-78; or

c. As determined by an equivalent test method approved by the administrator of EPA pursuant to 40 CFR 260.20 and 40 CFR 260.21, 7-1-07 edition;

(2) It is not a liquid and is capable, under standard temperatures and pressure, of causing fire through friction, absorption of moisture, or spontaneous chemical changes, and when

ignited, it burns so vigorously and persistently that it creates a hazard;

(3) It is an ignitable compressed gas or a flammable gas as defined by the US DOT at 49 CFR 173.115(a), 10-1-07 edition and as determined by the test method described in that regulation or an equivalent test method approved by the administrator of EPA pursuant to 40 CFR 260.20, 7-1-07 edition; or

(4) It is an oxidizer as defined by 49 CFR 173.127, 10-1-07 edition.

Env-Hw 403.04 Corrosivity.

(a) A waste that exhibits the characteristic of corrosivity but is not listed as a hazardous waste in Env-Hw 402.04(b), Env-Hw 402.05(b), Env-Hw 402.06(a) or Env-Hw 402.07(a) and is not a mixture under Env-Hw 404.01(a) shall be assigned the EPA hazardous waste number of D002 if it meets the criteria set forth in (b)(1) or (2), below, and the NH hazardous waste number of NH02 if it meets the criteria set forth in (b)(3), below.

(b) A waste shall be classified under these rules as corrosive if a representative sample has any of the following characteristics:

(1) It is aqueous and has a pH of less than or equal to 2, or greater than or equal to 12.5, as determined by a pH meter using either Method 9040 in SW-846, as defined in Env-Hw 104 and incorporated by reference at Env-Hw 401.06, or an equivalent test method approved by the administrator of EPA under the procedures set forth in 40 CFR 260.20 and 40 CFR 260.21, 7-1-07 edition;

(2) It is a liquid and corrodes steel (SAE 1020) at a rate of greater than 6.35 mm or 0.250 inch per year at a test temperature of 55°C (130°F) as determined by the test method specified in National Association of Corrosion Engineers (NACE) Standard TM-01-69 as standardized in SW-846, or an equivalent test method approved by the administrator of EPA under the procedures set forth in 40 CFR 260.20 and 40 CFR 260.21, 7-1-07 edition; or

(3) It is a non-aqueous waste which when mixed 50% by weight with distilled water, or a gaseous material which when mixed with distilled water to form a 2 molar solution, yields a pH less than or equal to 2 or greater than or equal to 12.5 as measured with a pH meter using the protocol specified in SW-846.

(c) Wastes specified in (b)(3) above shall have the NH hazardous waste number of NH02.

Env-Hw 403.05 Reactivity.

(a) A waste that exhibits the characteristic of reactivity but is not listed in Env-Hw 402.04(b), Env-Hw 402.05(b), Env-Hw 402.06(a) or Env-Hw 402.07(a) and is not a mixture under Env-Hw 404.01(a) shall be assigned the EPA hazardous waste number of D003.

(b) A waste shall be considered reactive if a representative sample has any of the following characteristics:

(1) It is unstable and readily undergoes violent change without detonation under standard conditions of temperature and pressure;

(2) It reacts violently with water or air;

(3) It forms potentially explosive mixtures with water or air;

(4) If mixed with water or exposed to air, it generates toxic gases, fumes, or vapors in a quantity sufficient to present a danger to human health or the environment;

(5) It is a cyanide or sulfide-bearing waste, which, when exposed to pH conditions between 2 and 12.5 can generate toxic gases, fumes, or vapors in a quantity sufficient to present a danger to human health or the environment;

(6) It is capable of detonation or explosive reaction if it is subjected to an initiating force, or if heated in confinement;

(7) It is capable of detonation or an explosive decomposition or reaction at standard temperature and pressure; or

(8) It is a forbidden explosive as defined by 49 CFR 173.54, 10-1-07 edition, or a division 1.1 explosive as defined by 49 CFR 173.50(b)(1), 10-1-07 edition, or a division 1.2 explosive as defined by 49 CFR 173.50(b)(2), 10-1-07 edition, or a division 1.3 explosive as defined by 49 CFR 173.50(b)(3), 10-1-07 edition.

Env-Hw 403.06 Toxicity Characteristic.

(a) A waste shall be considered to exhibit the characteristic of toxicity if, using the toxicity characteristic leaching procedure, test method 1311 in SW-846, as defined in Env-Hw 104 and incorporated by reference in Env-Hw 401.06, the extract from a representative sample of the waste contains any of the contaminants listed in (d), below, at a concentration equal to or greater than the respective value in that table.

(b) Where the waste contains less than 0.5 percent filterable solids, the waste, by itself, after filtering, shall be considered to be the extract.

(c) A waste that exhibits the characteristic of toxicity but is not listed as a hazardous waste in Env-Hw 402.04(b), Env-Hw 402.05(b), Env-Hw 402.06(a) or Env-Hw 402.07(a) shall be assigned the EPA hazardous waste number specified in (d), below, which corresponds to the toxic contaminant causing it to be hazardous.

(d) Contaminants, EPA hazardous waste numbers, and maximum allowable concentrations shall be listed in Table 4.9 below:

Table 4.9 Maximum Concentration of Contaminants for the Toxicity Characteristic

EPA Hazardous Waste Number	Contaminant	Chemical Abstract Number	Regulatory Level (milligrams per liter)
D004	Arsenic	7440-38-2	5.0
D005	Barium	7440-39-3	100.0
D018	Benzene	71-43-2	0.5

EPA Hazardous Waste Number	Contaminant	Chemical Abstract Number	Regulatory Level (milligrams per liter)
D006	Cadmium	7440-43-9	1.0
D019	Carbon tetrachloride	56-23-5	0.5
D020	Chlordane	57-74-9	0.03
D021	Chlorobenzene	108-90-7	100.0
D022	Chloroform	67-66-3	6.0
D007	Chromium	7440-47-3	5.0
D023	o-Cresol	95-48-7	200.0
D024	m-Cresol	108-39-4	200.0
D025	p-Cresol	106-44-5	200.0
D026	Cresol	.....	200.0
D016	2,4-D	94-75-7	10.0
D027	1,4-Dichlorobenzene.	106-46-7	7.5
D028	1,2-Dichloroethane	107-06-2	0.5
D029	1,1-Dichloroethylene	75-35-4	0.7
D030	2,4-Dinitrotoluene	121-14-2	0.13
D012	Endrin	72-20-8	0.02
D031	Heptachlor (and its epoxide).	76-44-8	0.008
D032	Hexachlorobenzene	118-74-1	0.13
D033	Hexachlorobutadiene	87-68-3	0.5
D034	Hexachloroethane	67-72-1	3.0
D008	Lead	7439-92-1	5.0
D013	Lindane	58-89-9	0.4
D009	Mercury	7439-97-6	0.2
D014	Methoxychlor	72-43-5	10.0
D035	Methyl ethyl ketone	78-93-3	200.0
D036	Nitrobenzene	98-95-3	2.0
D037	Pentachlorophenol	87-86-5	100.0
D038	Pyridine	110-86-1	5.0
D010	Selenium	7782-49-2	1.0
D011	Silver	7440-22-4	5.0
D039	Tetrachloroethylene	127-18-4	0.7
D015	Toxaphene	8001-35-2	0.5
D040	Trichloroethylene	79-01-6	0.5
D041	2,4,5-Trichlorophenol	95-95-4	400.0
D042	2,4,6-Trichlorophenol	88-06-2	2.0
D017	2,4,5-TP (Silvex)	93-72-1	1.0

EPA Hazardous Waste Number	Contaminant	Chemical Abstract Number	Regulatory Level (milligrams per liter)
D043	Vinyl chloride	75-01-4	0.2

PART Env-Hw 404 OTHER HAZARDOUS WASTES

Env-Hw 404.01 Hazardous Waste Mixtures.

(a) The following mixtures shall be regulated as hazardous wastes:

(1) Any waste or material, mixed with any waste listed in Env-Hw 402.04, Env-Hw 402.05(b), Env-Hw 402.06(a) or Env-Hw 402.07(a); or

(2) Any waste or material, mixed with any waste exhibiting a hazardous waste characteristic identified in Env-Hw 403, if the resultant mixture exhibits one or more of the hazardous characteristics identified in Env-Hw 403 or by the department in accordance with Env-Hw 405.03.

(b) Mixing, neutralizing, diluting, or otherwise treating any hazardous waste or other material regulated under Env-Hw 400 shall constitute hazardous waste treatment. Any such treatment shall comply with all permit requirements and facility standards.

Env-Hw 404.02 Spills Residues and Contaminated Soil, Water and Debris. Any residue or contaminated soil, water or other debris resulting from the spill or cleanup of a spill into or on any land or water of any hazardous waste or any material listed in Env-Hw 402 shall be regulated as a hazardous waste mixture in accordance with Env-Hw 404.01.

Env-Hw 404.03 Treatment, Storage, or Disposal Residues.

(a) Any waste generated from the treatment, storage, or disposal of a hazardous waste, including any sludge, spill residue, ash, emission control dust, or leachate, including precipitation run-off that exhibits a hazardous characteristic, shall be considered a hazardous waste except as provided by Env-Hw 401.03(b)(15).

(b) Any waste identified in (a), above, which does not have an EPA or New Hampshire hazardous waste number shall be assigned the waste number of NH98.

(c) Materials that are reclaimed from wastes and that are used beneficially shall not be wastes and hence shall not be considered hazardous wastes under this chapter unless the reclaimed material is burned for energy recovery or used in a manner constituting disposal.

Env-Hw 404.04 Hazardous Waste Residues in Empty Containers.

(a) Hazardous waste residue remaining in either an empty container or an inner liner removed from an empty container, as defined in Env-Hw 401.03(h), shall not be subject to regulation under the hazardous waste rules, provided that the residue is not mixed with any other material and remains in its original container or inner liner.

(b) Any hazardous waste residue or mixture of residue with other material which leaves the confines of a container after the container has been determined to be empty in accordance with Env-Hw 401.03(h), including washwaters, solvents and other materials generated in the process of cleaning and purging, shall be subject to regulation under Env-Hw 404 as a hazardous waste mixture.

PART Env-Hw 405 LISTING AND IDENTIFYING ADDITIONAL HAZARDOUS WASTES

Env-Hw 405.01 Procedure for Listing New Hampshire Listed Wastes.

(a) The department shall list a waste as a New Hampshire listed hazardous waste in Env-Hw 402.04 or Env-Hw 402.05 if the department determines that the waste meets the criteria set forth in Env-Hw 405.02.

(b) The department shall list in Env-Hw 402.04 or Env-Hw 402.05 as hazardous any waste shown by the public or industry to meet the criteria set forth in Env-Hw 405.02.

(c) The procedure for listing additional New Hampshire listed hazardous wastes shall conform with RSA 541-A:3.

Env-Hw 405.02 Criteria for Listing a Hazardous Waste.

(a) The department shall list a waste as a New Hampshire acutely hazardous waste in Env-Hw 402.04(c) only upon determining that the waste meets one of the following criteria:

(1) It has been found to be fatal to humans in low doses;

(2) In the absence of data on human toxicity, it has been shown in studies to have:

a. An oral LD 50 toxicity (rat) of less than 50 milligrams per kilogram;

b. An inhalation LC 50 toxicity (rat) of less than 2 milligrams per liter; or

c. A dermal LD 50 toxicity (rabbit) of less than 200 milligrams per kilogram; or

(3) Is otherwise capable of causing or significantly contributing to an increase in serious irreversible, or incapacitating reversible, illness.

(b) The department shall list a waste as a New Hampshire toxic hazardous waste in Env-Hw 402.05(c) if it contains any of the toxic constituents listed in 40 CFR 261 Appendix VIII, 7-1-07 edition and, after considering the following factors, the department concludes that the waste is capable of posing a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported or disposed of, or otherwise managed:

(1) The nature of the toxicity presented by the constituent;

(2) The concentration of the constituent in the waste;

(3) The potential of the constituent or any toxic degradation product of the constituent to migrate from the waste into the environment under the types of improper management considered in (b)(7), below;

(4) The persistence of the constituent or any toxic degradation product of the constituent;

(5) The potential for the constituent or any toxic degradation product of the constituent to degrade into non-harmful constituents and the rate of degradation;

(6) The degree to which the constituent or any degradation product of the constituent bioaccumulates in ecosystems;

(7) The plausible types of improper management to which the waste could be subjected;

(8) The quantities of the waste generated at individual generation sites or on a regional or national basis;

(9) The nature and severity of the human health and environmental damage that has occurred as a result of the improper management of wastes containing the constituent;

(10) Action taken by other governmental agencies or regulatory programs based on the health or environmental hazard posed by the waste or waste constituent; and

(11) Such other factors relevant to the determination as brought to the department's attention by any person or agency.

(c) The department shall list classes or types of waste as hazardous waste if it has reason to believe that individual wastes, within the class or type of waste, typically or frequently are hazardous under the definition of hazardous waste found in RSA 147-A:2, VII.

Env-Hw 405.03 Criteria for Identifying Characteristic Wastes. The department shall identify and define a characteristic of hazardous waste only upon determining that:

(a) A waste that exhibits the characteristic may:

(1) Cause or contribute to an increase in mortality or an increase in irreversible or incapacitating reversible illness; or

(2) Pose a present or potential hazard to human health or the environment when it is improperly treated, stored, transported, disposed of or otherwise managed; and

(b) The characteristic can be:

(1) Measured by an available standardized test method which is within the capability of generators of waste or private sector laboratories that are available to serve generators of waste; or

(2) Detected by generators of waste through their knowledge of their waste.

PART Env-Hw 406 DELISTING HAZARDOUS WASTES

Env-Hw 406.01 Requests for Delisting.

(a) Any person may petition the department to request delisting of the hazardous waste generated at a particular facility provided that:

(1) The waste is listed in Env-Hw 402.04(c), Env-Hw 402.05(c), Env-Hw 402.06(c), or Env-Hw 402.07(b); or

(2) The waste is listed in Env-Hw 402.04(b), Env-Hw 402.05(b), Env-Hw 402.06(a), or Env-Hw 402.07(a), and EPA has excluded the waste generated at the facility pursuant to 40 CFR 260.20 and 40 CFR 260.22, 7-1-07 edition and listed it in 40 CFR 261 Appendix IX, 7-1-07 edition.

(b) A delisting petition shall only apply to the hazardous waste generated at the individual facility named in the petition.

Env-Hw 406.02 Requirements for Delisting.

(a) The petitioner shall be granted a delisting providing the requirements of Env-Hw 200 and the requirements of this section are met.

(b) The petitioner shall demonstrate the following:

(1) The waste produced by a particular generating facility fails to meet any of the criteria under which the waste was listed as a hazardous waste;

(2) The waste is not capable of posing a significant present or potential threat to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise mismanaged;

(3) Factors to be used in determining the threat capability set forth in (b)(2), above, shall include those set forth in 40 CFR 261.11(a)(3), 7-1-07 edition;

(4) The waste for which delisting is requested is not ignitable, corrosive, reactive, or toxic, as defined in Env-Hw 403;

(5) The waste does not contain any of the hazardous waste constituents listed in Appendix VIII of 40 CFR 261, 7-1-07 edition, using the appropriate test methods prescribed in 40 CFR 261 Appendix I, 7-1-07 edition, or although containing one or more of the constituents in Appendix VII or Appendix VIII, that the waste does not meet the criterion of Env-Hw 405.02(b);

(6) The waste does not meet the criteria of 40 CFR 261.11(a)(2), 7-1-07 edition; and

(7) All test methods and procedures are in conformance with the procedures, methods, and requirements referenced in (f) through (h), below, and in 40 CFR 260.11 and 40 CFR Part 261, 7-1-07 edition, or with any other method approved by EPA prior to filing a petition for delisting.

(c) The petitioner shall provide the following to the department:

(1) The petitioner's name and address;

(2) The location of the facility generating the waste for which the delisting is requested, along with a plot plan identifying the facility and surrounding properties located within 1,000 feet of the facility;

(3) A statement of the delisting action requested;

(4) A statement of the petitioner's interest in the delisting action requested;

(5) A statement of the petitioner's need and justification for the delisting action requested;

(6) A description of the waste for which the delisting is requested including a statement as to which category of waste in Env-Hw 402.01 it may be classified;

(7) An estimate of the average and the maximum quantities of the waste for which the delisting is requested generated monthly and annually;

(8) A description and flow diagram of the process generating the waste for which delisting is requested;

(9) A list, description, and schematic diagram for each process which may contribute waste, wastewater, or rinsewater to the waste for which delisting is requested;

(10) A complete list of all raw materials, and, where known, intermediates, by-products, and products used in the manufacturing process grouped by sub-process;

(11) Copies of manufacturer's material safety data sheets and supplier's technical specification sheets for all materials including but not limited to solvents, acid cleaners, surface preparation agents, and paints used in the petitioner's manufacturing processes;

(12) An assessment of whether the manufacturing processes, facility operations, or feed materials can or might produce a waste that is not covered by the petition;

(13) A description of all tests performed on the waste for which delisting is requested and copies of all analytical results;

(14) A description of the methodologies and equipment used to obtain representative samples of the waste;

(15) A description of sample handling and preparation techniques, including those for extraction, containerization, and preservation of samples;

(16) Sampling and testing dates;

(17) The name and address of laboratory facilities sampling or testing the wastes for which delisting is requested;

(18) The names and qualifications of those doing the sampling and/or testing of the waste for which delisting is requested;

(19) The names, model numbers, year of manufacture, and last date of calibration of all instruments used in performing the tests referred to in Env-Hw 406.02(c)(13);

(20) A plan for treatment, storage or disposal of the delisted waste if delisting of the waste is to be permitted by the department; and

(21) The following statement signed by the generator of the waste for which delisting is requested or the generator's authorized representative:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this petition and all attached documents, and that, based on my inquiry of those individuals immediately responsible for obtaining or generating the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

(d) After receiving a petition for delisting, the department shall request any other additional information which is reasonably required to evaluate the petition.

(e) The following factors shall be used by the department in defining whether a reasonable basis exists:

(1) A 40 CFR Part 261 Appendix VIII, 7-1-07 edition, toxicant is used as a raw material or intermediate;

(2) A 40 CFR Part 261 Appendix VIII, 7-1-07 edition, toxicant is used in the process as a catalyst, reactant, inhibitor, binder, or enhancer;

(3) A 40 CFR Part 261 Appendix VIII, 7-1-07 edition, toxicant is produced as a by-product or product;

(4) Analytical data presented in the petition discloses that hazardous levels of toxicants are contained in the waste;

(5) Process chemistry of reactions conducted at the facility indicate the formation of toxic by-product contaminants;

(6) Industry study data shows presence of other toxic constituents;

(7) Other data collected through review of scientific, toxicological and industrial literature indicates the presence of additional hazardous constituents;

(8) Compliance history of the petitioner;

(9) Operational data collected during state of New Hampshire inspection visits; and

(10) Other factors that are relevant to the determination as brought to the department's attention by any person or agency.

(f) The petitioner shall perform the following tests and analyses and submit the results to the department:

(1) If other hazardous waste constituents are found to be present in the waste stream, the

percentage of the oil content in the waste stream by analyzing at least 4 representative samples using ASTM Method 502D from Standard Methods, 15th edition, 1980;

(2) Total organic carbon and report results on the representative samples using Methods No. 415.1 - Total Organic Carbon (Combustion or Oxidation) of Methods for Chemical Analysis of Water and Wastes as printed by the U.S. Environmental Protection Agency, March 1979;

(3) For wastes containing or processes using cyanide, the petitioner shall perform the following tests:

a. For liquids, total and free cyanide or cyanide amenable to chlorination, tests run on representative waste samples using Method #9010 in SW-846;

b. For solids and semi-solids, the cyanide extraction procedure, ASTM method number 412.2A and B (from Standard Methods, l5th edition, 1980), to determine the total soluble and insoluble cyanide;

c. If the cyanide tests run in clauses a and b above indicate that there is an interference in the waste producing non-representative concentrations, then a detailed explanation of this interference shall be submitted and the waste shall be tested on at least four representative waste samples using Test Method for the Determination of Reactive Cyanide and Sulfide Containing Wastes, Final Method, and Proposed Revision of D2036-81C for the Determination of Reactive Cyanide in Solid Waste; and

d. If total cyanide exceeds 10 ppm in clause a above, the appropriate test as determined by the selection method found in Standard Methods, 15th edition, Section 412-3, shall be performed on representative waste samples;

(4) For organic wastes, total content of all hazardous constituents shall be quantified in representative waste samples using Method Nos. 8250, 8260, and 8270 in SW-846; and

(5) For reactive wastes, representative waste samples shall be tested using the Department of the Army's Detonation Test, Ignition and Unconfined Burning Test, Thermal Stability Test, Card Gap Test, and Impact Sensitivity Test as set forth in Department of Army publication number TB700-2.

(g) Representative samples shall consist of a sufficient number of samples, but in no case less than 4, and shall be taken over a period of time sufficient to represent the variability and the uniformity of the waste. A signed statement shall be provided by the petitioner verifying that the number of samples collected and analyzed is representative of any variation in constituent concentrations in the waste over time;

(h) If hazardous waste constituents listed in Table 4.9 of Env-Hw 403 other than those for which delisting is requested might be present in the waste stream, the petitioner shall take representative samples of such waste stream and analyze those samples in order to quantify all hazardous waste constituents in the waste stream. A description and the results of all analyses performed shall be submitted to the department.

Env-Hw 406.03 Conditional Delisting.

(a) The department shall grant delistings with or without conditions.

(b) In cases where a delisting is granted with conditions, such conditions shall be based on the need for the petitioner to demonstrate periodically that the delisted waste is being managed in such a way that it does not pose a present or potential threat to human health or the environment.

(c) In cases where a delisting is granted with conditions, such conditions shall include the following:

(1) Performing scheduled analytical testing on the delisted waste and reporting results;

(2) Quality assurance/quality control monitoring of the processes producing the delisted waste and reporting results; and

(3) For disposed wastes, design standards such as groundwater monitoring.

Env-Hw 406.04 Partial Delisting. The department shall delist only part of the hazardous waste for which the petition is submitted if variability of the waste justifies this action.

CHAPTER Env-Hw 500 REQUIREMENTS FOR HAZARDOUS WASTE GENERATORS

PART Env-Hw 501 APPLICABILITY AND EXEMPTIONS

Env-Hw501.01 Applicability.

(a) Env-Hw 500 shall apply to all persons who generate hazardous wastes, unless specifically exempted in Env-Hw 501.02, including:

(1) Owners or operators of permitted facilities that initiate a shipment of hazardous waste or waste residues;

(2) Any person who imports hazardous waste into the United States; and

(3) Persons who generate or accumulate any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill, into or on any land or water, of any hazardous waste, as identified in Env-Hw 404.

(b) With respect to household hazardous waste collected or accumulated as specified in Env-Hw 401.03(b)(1), the owner, operator, or person so designated in a contractual agreement shall be designated as the generator. Unacceptable wastes may be returned to the household which generated them or held by the operator until the generating household can make alternative disposal arrangements.

Env-Hw 501.02 Exemptions.

(a) Farmers who dispose of hazardous waste pesticide residues from their own use shall be exempted from Env-Hw 500 provided they triple rinse each emptied pesticide container in accordance with 40 CFR 261.7(b)(3), 7-1-07 edition and dispose of the pesticide residues on their own farm in a manner consistent with the disposal instructions on the pesticide label.

(b) Env-Hw 507.03(b), Env-Hw 510 and Env-Hw 511 shall not apply to government entities when

transporting household hazardous wastes to a household hazardous collection project or a transfer, treatment, storage or disposal facility, provided that the following conditions are met:

(1) The government entity shall obtain prior approval from the household hazardous waste collection project or the transfer, treatment, storage or disposal facility receiving the waste;

(2) All household hazardous waste shall be separated by DOT hazard class, as specified in 49 CFR 177.848 (b), (c),(d), and (e), 10-1-07 edition, prior to transport;

(3) The household hazardous wastes shall be:

a. Loose-packed or over-packed in containers meeting DOT specifications for hazardous materials, as defined in 49 CFR 178, 10-1-07 edition; or

b. Packaged in strong outside containers, as defined in 49 CFR 171.8, 10-1-07 edition, if the waste is in its original container and less than 8 gallons;

(4) The containers or strong outside containers shall be labeled with the following information:

a. DOT hazard classes as specified in 49 CFR 173.2, 10-1-07 edition;

b. Date the waste was collected; and

c. Name of the original government entity who collected the waste;

(5) All containers shall be sealed and secured for transport in a manner that prevents leakage, spillage, and releases to the environment;

(6) During transportation, the transporter shall retain a bill of lading describing the contents of the vehicle;

(7) The waste shall be transported only in vehicles that are owned and registered by a government entity and operated by a government entity employee; and

(8) All persons transporting 55 gallons or more of household hazardous waste shall have a minimum of 24 hours of initial training in function specific hazardous waste handling, safety, hazard communication and emergency procedures and 8 hours of annual refresher training.

(c) Env-Hw 510 shall not apply to small quantity generators transporting their own hazardous waste in accordance with Env-Hw 601.02(b)(1) and (b)(3) to another facility in New Hampshire that:

(1) Is owned or operated by the owner or operator of the small quantity generator site;

(2) Has notified the department of this activity in accordance with Env-Hw 504; and

(3) Counts the waste received towards its generator status in accordance with Env-Hw 503.

(d) The rules in Env-Hw 507, Env-Hw 508, Env-Hw 509, Env-Hw 511 and Env-Hw 513 shall not apply to transporters while they are collecting only curbside household hazardous waste.

(e) The rules in Env-Hw 500, except for Env-Hw 502.01, shall not apply to universal waste handlers and universal waste transporters handling universal waste, provided that the waste is managed in accordance with Env-Hw 1100.

PART Env-Hw 502 HAZARDOUS WASTE DETERMINATION

Env-Hw 502.01 Hazardous Waste Determination. All generators of waste shall determine if that waste is a hazardous waste as set forth in Env-Hw 401.01 using the following steps:

(a) Generators shall first determine whether the waste is exempted from regulation under Env-Hw 401.03;

(b) Generators shall then determine if the waste is listed as a hazardous waste in Env-Hw 402;

(c) If the waste is not listed in Env-Hw 402, generators shall determine whether the waste is identified in Env-Hw 403 or constitutes a hazardous waste mixture or other material regulated under Env-Hw 404 by either:

(1) Testing the waste according to the hazardous waste determination methods set forth in Env-Hw 401.04 and Env-Hw 403; or

(2) Applying knowledge of the hazardous nature or characteristics of the waste based on the materials or processes used to generate the waste.

PART Env-Hw 503 GENERATOR CLASSIFICATIONS

Env-Hw 503.01 Small Quantity Generators. A small quantity generator shall be any generator who, in each and every calendar month, generates less than:

(a) 100 kilograms or 220 pounds of hazardous waste;

(b) One kilogram or 2.2 pounds of an acutely hazardous waste; and

(c) 100 kilograms or 220 pounds of any residue or contaminated soil, waste, or other debris resulting from the cleanup of a spill of any acutely hazardous waste.

Env-Hw 503.02 Full Quantity Generators. The department shall classify a generator as a full quantity generator if the generator:

(a) Generates equal to or greater than a total of 100 kilograms or 220 pounds of hazardous waste in any single month;

(b) Accumulates greater than 1,000 kilograms or 2,200 pounds of hazardous waste at any time;

(c) Generates equal to or greater than one kilogram or 2.2 pounds of an acutely hazardous waste in any single month;

(d) Accumulates equal to or greater than one kilogram or 2.2 pounds of an acutely hazardous waste at any time;

(e) Generates equal to or greater than 100 kilograms or 220 pounds of spill cleanup material contaminated with acutely hazardous waste in any single month; or

(f) Accumulates equal to or greater than 100 kilograms or 220 pounds of spill cleanup material contaminated with acutely hazardous waste at any time.

Env-Hw 503.03 Classification Calculation. In determining the quantity of hazardous waste generated, a generator shall not have to include:

(a) Hazardous waste that is exempt from the hazardous waste rules pursuant to Env-Hw 401.03;

(b) Hazardous waste that is managed immediately upon generation only in on-site permitted elementary neutralization units, wastewater treatment units, or totally enclosed treatment facilities as defined in Env-Hw 103 or Env-Hw 104;

(c) Hazardous waste that is recycled:

(1) Without prior storage or accumulation; and

(2) Only in an on-site process subject to regulation under Env-Hw 804.01(b)(4);

(d) Used oil, as defined in Env-Hw 104, when being recycled as set forth in Env-Hw 807;

(e) Spent lead acid batteries managed under the requirements of Env-Hw 809;

(f) Hazardous waste when it is removed from on-site storage;

(g) Hazardous waste produced by on-site treatment, including reclamation, of the hazardous waste, so long as the hazardous waste that is treated was counted once;

(h) Spent materials that are generated, reclaimed, and subsequently reused on-site, so long as such spent materials have been counted once; or

(i) Universal waste managed in accordance with Env-Hw 1100.

PART Env-Hw 504 NOTIFICATION

Env-Hw 504.01 Notification.

(a) Each generator shall notify the department prior to conducting any hazardous waste activities covered under the hazardous waste rules.

(b) Subject to (c), below, each generator shall notify the department within 30 days of the effective date of any statutory or regulatory amendment requiring notification and/or an EPA identification number. If the generator has previously notified and obtained an EPA identification number, a subsequent notification form shall be completed and submitted for the new regulated activity.

(c) If a statute sets a different deadline for notification, the statutory deadline shall control.

Env-Hw 504.02 Notification Information Requirements.

(a) Notification shall be given by completing and filing with the department a New Hampshire notification form, except as otherwise stipulated in Env-Hw 505.03 or Env-Hw 505.04, or in (d), below.

(b) Notification shall include the following information:

(1) Company name;

(2) Mailing address;

(3) Street address of generating site;

(4) Contact person, title, and telephone number;

(5) Company ownership;

(6) Property ownership;

(7) Generator status;

(8) Type and description of regulated activity;

(9) For each waste stream, a narrative description, estimated quantity generated per month, and the EPA/NH hazardous waste number; and

(10) Certification by an authorized company official as to the accuracy of the information provided on the notification form.

(c) Each generator shall submit a notification form for each on-site location where hazardous waste activity is conducted.

(d) A generator shall notify the department verbally or in writing of any changes to the information provided in (b)(1), (2), (4), (7), (8), or (9), above, within 30 days of the effective date of any change.

(e) A generator shall complete and submit to the department a New Hampshire notification form for any changes to the information required in (b)(3), (5), or (6), above, within 30 days of the effective date of any change.

(f) A generator shall notify the department, using a declassification request form, within 7 days after ceasing hazardous waste activities at a particular site.

Env-Hw 504.03 Notification Determination.

(a) If the department, upon examination of a notification form, determines that the form fails to meet the requirements of Env-Hw 504.02(a) and (b), the department shall notify the generator of the deficiency.

(b) Such notice shall specify the deficiencies.

(c) The owner or operator shall have 30 days from receipt to respond to such notice of deficiency

and to explain or correct the alleged deficiency.

(d) If the generator does not respond within 30 days, the generator shall be deemed not to have notified and shall be required to renotify and submit a new notification form.

(e) If a notification form is deemed complete, the department, with the EPA's assistance, shall issue a permanent EPA identification number.

PART Env-Hw 505 IDENTIFICATION NUMBERS

Env-Hw 505.01 Identification Numbers. A generator shall not treat, store, dispose, transport, or offer a hazardous waste for transportation without having received from the department:

(a) An EPA identification number;

(b) If the criteria of Env-Hw 505.03(a) and (b) are met, an emergency or temporary identification number; or

(c) If the criteria of Env-Hw 505.04(b) are met, a New Hampshire identification number.

Env-Hw 505.02 EPA Identification Numbers.

(a) An EPA identification number shall be issued to all generators that submit a notification form that meets the requirements of Env-Hw 504.02.

(b) EPA identification numbers shall:

(1) Be site specific; and

(2) Remain valid until the department has been notified in writing that:

a. Operations have ceased; and

b. Hazardous wastes are no longer generated on-site.

Env-Hw 505.03 Emergency and Temporary Identification Numbers.

(a) An emergency or temporary identification number shall be obtained by nonrecurrent generators of hazardous waste that are required to manifest hazardous waste due to a one-time cleanup.

(b) A one-time cleanup shall include, but not be limited to, removal of:

(1) Off-specification materials;

(2) Underground storage tanks; and

(3) Contaminated soil due to a spill.

(c) The generator shall obtain an emergency or temporary identification number by contacting the department verbally or in writing and providing the following information:

(1) Company/individual name and mailing address;

(2) Street address from where the waste is being transported;

(3) Contact person, title, and telephone number; and

(4) Waste(s) description, EPA/state waste number, and estimated amount to be transported.

(d) An emergency or temporary identification number shall be valid for 30 days only. If the waste cannot be removed within 30 days due to temporary, unforeseen, and uncontrollable circumstances, an extension shall be granted by the department upon request of the generator.

Env-Hw 505.04 New Hampshire Identification Numbers.

(a) A generator may obtain a New Hampshire identification number in situations where an EPA identification number is not required.

(b) A New Hampshire identification number shall be issued to the following generators:

(1) Generators who transport their own hazardous waste in accordance with Env-Hw 600;

(2) Generators who only generate hazardous waste with a NH hazardous waste number;

(3) Generators of less than 100 kilograms per month of a waste that is reclaimed under a contractual agreement whereby:

a. The type of waste and frequency of shipments are specified in the agreement;

b. The vehicle used to transport the waste to the recycling facility and to deliver the regenerated material back to the generator is owned and operated by the reclaimer of the waste; and

c. The generator agrees to keep a copy of the reclamation agreement for at least 3 years after the termination or expiration of the agreement; or

(4) Generators of household hazardous waste collected as part of a household hazardous waste collection project as described in Env-Hw 401.03(b)(1).

(c) A generator shall obtain a New Hampshire identification number that is site-specific by contacting the department, verbally or in writing, and providing the information specified in Env-Hw 505.03(c).

(d) Any generator who is a transporter collecting curbside household hazardous waste shall obtain a New Hampshire identification number that is non-site specific by contacting the department, verbally or in writing, at least 30 days prior to the collection, and providing the following information:

(1) The company name;

(2) The company mailing address;

(3) A contact person, title, and telephone number;

(4) The name of the company owner;

(5) A description of the regulated activity;

(6) A description of the area(s) to be serviced;

(7) The start date and expected completion date of the collection; and

(8) The waste handling instructions provided by the transporter to the household specifying how the household should handle its waste prior to acceptance by the transporter.

(e) New Hampshire identification numbers shall remain valid until the generator has:

(1) Notified the department, verbally or in writing, that operations have ceased and that hazardous wastes are no longer generated on-site; or

(2) Obtained an EPA identification number.

PART Env-Hw 506 ENVIRONMENTAL AND HEALTH REQUIREMENTS

Env-Hw 506.01 Hazard Minimization.

(a) While accumulating hazardous wastes, the generator shall not use storage practices that pose a hazard to human health or the environment.

(b) The generator shall:

(1) Comply with all surface water standards as specified in the Federal Clean Water Act and the Federal Safe Drinking Water Act;

(2) Comply with all air emission limits specified in the Federal Clean Air Act and New Hampshire implementation plans;

(3) Prevent exposure of workers to chemicals in violation of Occupational Safety and Health Administration standards or New Hampshire RSA 277-A; and

(4) Prevent exposure of humans or the environment to harmful quantities of hazardous waste or its constituents.

Env-Hw 506.02 Soil or Groundwater Contamination; Disposal or Decontamination of Contaminated Materials.

(a) If soil or groundwater contamination is detected, the generator shall meet the requirements of Env-Hw 702.13.

(b) Regarding disposal or decontamination of equipment, structures, and soils, generators shall be exempt from all requirements in Subparts G and H of 40 CFR Part 265, 7-1-01 edition, except for:

(1) The closure performance standard set forth in 40 CFR 265.111, 7-1-01 edition; and

(2) The requirements of 40 CFR 265.114, 7-1-01 edition.

Env-Hw 506.03 Management of Wastes Upon Cessation of Operations. Generators who cease operation of their generating facility shall continue to manage their hazardous wastes in accordance with all applicable generator standards. Failure to continue such management shall be deemed disposal of the waste.

PART Env-Hw 507 STORAGE REQUIREMENTS

Env-Hw 507.01 Storage Requirements.

(a) All hazardous wastes shall be placed in containers or tanks that:

(1) Are in good condition;

(2) Are chemically compatible with the waste stored therein such that no leakage or deterioration of the container or tank occurs; and

(3) Remain closed at all times except to add or remove waste.

(b) Hazardous waste containers shall be stored on impervious surfaces. Impervious surfaces shall include concrete and asphalt unless cracks or holes are present, and shall not include earthen, wooden, or gravel surfaces.

(c) Except as provided at (d), below, hazardous waste containers shall not be stored in areas with functional floor drains or manholes, or in or near a sink with a functional drain present, unless secondary containment is provided around all hazardous waste container storage areas capable of containing the volume of the largest capacity hazardous waste container present.

(d) The containment system required by (c), above, shall not be required for hazardous waste storage areas that store containers holding only wastes that do not contain free liquids provided that:

(1) The hazardous waste storage area is sloped or is otherwise designed to drain and remove liquid resulting from precipitation; or

(2) The containers are elevated or otherwise protected from contact with accumulated liquid.

(e) Hazardous waste containers stored outside shall:

(1) Be covered to prevent precipitation from coming in contact with the tops of the containers and to keep the secondary containment structure free of rain, snow, and ice;

(2) Be kept covered at all times except when the generator is actively adding wastes to or removing wastes from a container or is moving a container to another location;

(3) Have secondary containment that is adequate to hold any spills or leaks at 110% of the volume of the largest container in the storage area; and

(4) Not be stored within any of the following set-backs:

a. For surface waters, 50 feet;

b. For private wells, 75 feet;

c. The protective radius of any public water supply well; or

d. For storm drains, 50 feet.

Env-Hw 507.02 Storage Time Requirements.

(a) A generator may without a permit accumulate, in a container or tank, hazardous waste that is generated on-site provided that the wastes are shipped off-site within 90 days of the date when accumulation of the waste first began except as provided in Env-Hw 508.02, Env-Hw 508.03, Env-Hw 509.03, and (c), below.

(b) Except as provided in Env-Hw 508.02, Env-Hw 508.03, Env-Hw 509.03, and (c), below, a generator who accumulates hazardous waste for greater than 90 days shall be deemed an operator of a storage facility and so subject to all facility requirements as provided in Env-Hw 300 and Env-Hw 700 unless the generator has been granted by the department:

(1) A waiver of the 90 day period as provided in Env-Hw 202; or

(2) An extension of the 90-day period.

(c) A generator of wastewater treatment sludges from electroplating operations that meet the hazardous waste code F006 pursuant to Env-Hw 401.02 may accumulate F006 waste for more than 90 days, but not more than 180 days, provided the criteria of 40 CFR 262.34(g), 7-1-07 edition, are met.

(d) A generator who accumulates F006 waste on-site for greater than 180 days or who accumulates more than 20,000 kilograms of F006 waste on-site shall be deemed an operator of a storage facility and be subject to all facility requirements as provided in Env-Hw 300 and Env-Hw 700 unless the generator has been granted by the department:

(1) A waiver, as provided in Env-Hw 202, of the 20,000 kilograms limit if the limit will be exceeded due to unforeseen, temporary, and uncontrollable circumstances; or

(2) An extension of the 180 day period.

(e) A generator who wishes to obtain an extension pursuant to (b)(2) or (d)(2), above, shall submit a written request for an extension which explains the circumstances warranting such an extension.

(f) The department shall grant an extension pursuant to (b)(2) or (d)(2), above, if hazardous wastes will remain on-site due to unforeseen, temporary, and uncontrollable circumstances.

(g) An extension granted by the department pursuant to (b)(2) or (d)(2), above, shall be limited to 30 days.

Env-Hw 507.03 Packaging/Labeling/Pre-transport.

(a) Except as provided at Env-Hw 508.02, Env-Hw 508.03, or Env-Hw 509.03, the generator shall comply with the following packaging, labeling and pre-transport requirements while storing hazardous wastes:

(1) Containers and tanks used for the storage of hazardous wastes shall be clearly labeled or marked with the following information at the time they are first used to store wastes:

a. The beginning accumulation date;

b. The words “hazardous waste”;

c. Words that identify the contents of the container; and

d. The EPA or state waste number, as applicable; and

(2) Hazardous waste labels shall not be hidden by walls or other containers.

(b) Before transporting or offering hazardous waste for transportation off-site, the generator shall:

(1) Package the waste in US DOT containers as specified in 49 CFR 173, 178, and 179, 10-1-07 edition;

(2) Mark and label each container in accordance with the applicable US DOT regulations on hazardous materials under 49 CFR Part 172, 10-1-07 edition; and

(3) Mark each container of 119 gallons or less used in such transportation in accordance with the requirements of 49 CFR Part 172, 10-1-07 edition by including:

a. The following information:

1. The generator’s name and address; and

2. The manifest tracking number; and

b. The following statement:

"HAZARDOUS WASTE Federal Law Prohibits Improper Disposal. If found, contact the nearest police or public safety authority or the U.S. Environmental Protection Agency".

(c) Before transporting or offering hazardous waste for transportation off-site, the generator shall determine that the transporter possesses a current and valid New Hampshire hazardous waste transporter registration and has been issued an EPA identification number, and:

(1) That each vehicle is placarded in accordance with DOT regulations for hazardous materials under 49 CFR 172, subpart F, 10-1-07 edition, and rules adopted by the New Hampshire department of safety; or

(2) If placards are not required, that each vehicle is marked in accordance with 49 CFR 171.3(b)(1), 10-1-07 edition.

PART Env-Hw 508 SMALL QUANTITY GENERATORS

Env-Hw 508.01 Small Quantity Generators. In addition to the requirements of Env-Hw 501 through Env-Hw 507 and Env-Hw 510 through Env-Hw 514, small quantity generators shall comply with the specific quantity and storage requirements of Env-Hw 508.02 or Env-Hw 508.03.

Env-Hw 508.02 Small Quantity Generator Storage Requirements. A small quantity generator may accumulate less than 100 kilograms or 220 pounds of hazardous waste, or less than one kilogram or 2.2 pounds of an acutely hazardous waste, provided the following requirements are met:

(a) The quantity of hazardous waste accumulated on-site shall never reach or exceed 100 kilograms or 220 pounds of hazardous waste or one kilogram or 2.2 pounds of an acutely hazardous waste;

(b) The following shall be maintained near the hazardous waste:

(1) Spill control equipment, such as speedi-dry or absorbent rags; and

(2) Fire control equipment, such as fire extinguishers;

(c) "No smoking" signs shall be posted near ignitable or reactive wastes;

(d) Containers and tanks used for the storage of hazardous wastes shall be clearly labeled or marked with the following information at the time they are first used to store wastes:

(1) The words “hazardous waste”; and

(2) Words that identify the contents of the container;

(e) A minimum of 2 feet aisle space shall be maintained to allow for inspection of at least one side of each container at or near each hazardous waste storage area; and

(f) The hazardous wastes shall be transported off-site in accordance with Env-Hw 510 and Env-Hw 511.

Env-Hw 508.03 Small Quantity Generator Extended Quantity and Storage Provision. Small quantity generators may accumulate up to 1,000 kilograms or 2,200 pounds of nonacutely hazardous waste on-site for greater than 90 days without a permit provided that they comply with the following requirements:

(a) Hazardous waste containers shall be managed in accordance with 40 CFR Part 265 Subpart I - Use and Management of Containers except 40 CFR 265.178, 7-1-99 edition, which includes weekly inspections of all hazardous waste containers;

(b) Hazardous waste tanks shall be managed in accordance with 40 CFR Part 265 Subpart J - Tanks except 40 CFR 265.197(c), 40 CFR 265.200, 40 CFR 265.201, and 40 CFR 265.202, 7-1-99 edition, which includes daily inspections of all hazardous waste tanks;

(c) The hazardous waste shall be under the control of a designated hazardous waste manager or emergency coordinator or designee;

(d) At all times there shall be at least one employee designated as the emergency coordinator who

is either on the premises or on call, who is available to respond to an emergency by reaching the facility within a short period of time, with the responsibility for coordinating all emergency response measures;

(e) The generator shall post the following information next to the telephone nearest each hazardous waste storage area:

(1) The name and telephone number, both work and home, of the emergency coordinator and the emergency coordinator's designee;

(2) The telephone numbers of the fire department, police department, hospital, and state of New Hampshire and local emergency response teams that may be called upon to provide emergency services; and

(3) The location of fire extinguishers and spill control material, and, if present, fire alarm;

(f) The generator shall ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures relevant to their responsibilities during normal facility operations and emergencies;

(g) The generator shall comply with 40 CFR Part 265 Subpart C, Preparedness and Prevention, 7-1-07 edition, including maintaining at or near each hazardous waste storage area spill control equipment, fire control equipment;

(h) A minimum of 2 feet of aisle space shall be maintained to allow for inspection of at least one side of each container;

(i) The generator shall post "no smoking" signs near ignitable or reactive wastes;

(j) Upon reaching the on-site accumulation limit of 1,000 kilograms or 2,200 pounds of nonacutely hazardous waste, the wastes are shipped off-site in accordance with Env-Hw 510 and Env-Hw 511, within 90 days to a facility authorized under the destination state's rules to handle the waste;

(k) Containers and tanks used for the storage of hazardous wastes shall be clearly labeled or marked with the following information at the time they are first used to store wastes:

(1) The words "hazardous waste"; and

(2) Words that identify the contents of the container;

(l) Containers and tanks used for the storage of hazardous waste shall be clearly labeled or marked with the date the on-site accumulation limit of 1,000 kilograms or 2,200 pounds of non-acute hazardous waste is reached; and

(m) Containers and tanks used for the storage of hazardous waste shall be clearly labeled or marked with the EPA or state waste number before transporting or offering hazardous waste for transportation off-site.

PART Env-Hw 509 FULL QUANTITY GENERATORS

Env-Hw 509.01 Full Quantity Generators Requirements. In addition to the requirements of Env-Hw

501 through Env-Hw 507 and Env-Hw 510 through Env-Hw 513, full quantity generators shall comply with the accumulation and storage requirements in Env-Hw 509.02 and Env-Hw 509.03.

Env-Hw 509.02 Full Quantity Generator Storage Requirements.

(a) Full quantity generators shall comply with the following standards:

(1) 40 CFR 265.15, 7-1-01 edition, General inspection requirements;

(2) 40 CFR 265.16, 7-1-01 edition, Personnel training;

(3) 40 CFR 265.17, 7-1-07 edition, General requirements for ignitable, reactive or incompatible wastes;

(4) 40 CFR Part 265, Subpart C, 7-1-07 edition, Preparedness and Prevention;

(5) 40 CFR Part 265, Subpart D, 7-1-01 edition, Contingency Plan and Emergency Procedures;

(6) 40 CFR Part 265 Subpart I, 7-1-99 edition, Use and Management of Containers; and

(7) 40 CFR Part 265 Subpart J, 7-1-99 edition, Tanks, except 40 CFR 265.197(c), 40 CFR 265.200, and 40 CFR 265.201.

(b) Each full quantity generator shall post a list of the steps to take if an emergency occurs and the following emergency numbers at the nearest telephone to each hazardous waste storage area:

(1) The telephone number(s) where the emergency coordinators can be reached;

(2) The fire department, police department, hospital, and state of New Hampshire and local emergency response teams that may be called upon to provide emergency services, unless the facility has a 24 hour response team designated to provide emergency services whose number is posted; and

(3) The location of fire extinguishers and spill control material, and, if present, fire and internal emergency alarm.

(c) Each full quantity generator shall provide the following security measures at all outdoor hazardous waste storage areas:

(1) An artificial or natural barrier, such as a fence in good repair, which completely surrounds the hazardous waste storage area to prevent the unauthorized or unknowing entry of individuals or livestock;

(2) A means to control entry, at all times, through gates or other entrances to the hazardous waste storage area such as an attendant, television monitor, locked entrance, or controlled roadway access to the area; and

(3) A sign with the legend “Danger - Unauthorized Personnel Keep Out” at each entrance to the hazardous waste storage area. Existing signs with other than the aforementioned legend may be used if the legend on the sign indicates that only authorized personnel are allowed to

enter the area and that entry can be dangerous.

(d) As incorporated by reference in (a)(2), above, and used in 40 CFR 265.16 (a)(2), "a person trained in hazardous waste management procedures" means an outside hazardous waste management trainer or an in-house employee who has completed a hazardous waste management course or provides documentation to demonstrate his/her own capabilities as in-house trainer.

(e) As incorporated by reference in (a)(4), above, and used in 40 CFR Part 265.35, “required aisle space” means not less than 2 feet to allow for inspection of at least one side of each container.

(f) As incorporated by reference in (a)(4), above, and used in 40 CFR Part 265.32 “required equipment” means the equipment required at each hazardous waste storage area, not more than 100 feet from each area, accessible along a clear path. In the case of “clean rooms” which use spill carts, doors may be present provided they are unlocked at all times.

Env-Hw 509.03 Full Quantity Generator Satellite Storage Provision. A full quantity generator may accumulate as much as 55 gallons of hazardous waste or one quart of acutely hazardous waste as listed in Env-Hw 402.04 in containers at or near any point of generation where wastes initially accumulate without a standard permit or interim status and without complying with the 90-day time limit specified in Env-Hw 507.02(a), the container labeling and marking requirements of Env-Hw 507.03(a)(1), the preparedness and prevention requirements of Env-Hw 509.02(a)(4), and the emergency posting requirements of Env-Hw 509.02(b), provided that:

(a) The hazardous waste container(s) are under the control of the operator of the process generating the waste;

(b) The operator of the process generating the hazardous waste has been trained as specified in Env-Hw 509.02(a)(2), except that, in lieu of the annual training requirements specified in 40 CFR 265.16, the training interval shall be 3 years;

(c) The environmental and health requirements of Env-Hw 506 are met;

(d) The storage requirements of Env-Hw 507.01 are met;

(e) Incompatible wastes are separated pursuant to 40 CFR 265.177(c), 7-1-99 edition;

(f) A minimum of 2 feet aisle space is maintained to allow for inspection of at least one side of each container;

(g) At the time the container(s) are first used to store wastes, the hazardous waste container(s) are clearly labeled or marked with:

(1) The words “hazardous waste”; and

(2) Words that identify the contents of the container(s);

(h) For satellite storage areas that have accumulated greater than 10 gallons of hazardous waste, the container(s) are inspected at least monthly for leaks and for deterioration caused by corrosion and other factors; and

(i) When the amount of hazardous waste in a satellite storage area reaches the accumulation limit

specified in this section, the generator:

(1) Immediately labels or marks the hazardous waste container(s) with the following:

a. The date the accumulation limit was reached; and

b. The EPA or state waste number, as applicable;

(2) Moves the hazardous waste to a designated hazardous waste storage area within 3 days of reaching the accumulation limit; and

(3) Ships the hazardous waste off-site within 90 days of the date the accumulation limit was reached.

PART Env-Hw 510 MANIFEST REQUIREMENTS

Env-Hw 510.01 General Requirements. When shipping a hazardous waste off-site, a generator shall prepare a manifest in accordance with 40 CFR 262 Subpart B, 7-1-07 edition.

Env-Hw 510.02 Manifest Copy Distribution and Signatory Requirements.

(a) The generator shall provide 7 copies of the manifest for distribution if the destination state does not require a copy of the manifest and 8 copies of the manifest if the destination state does require a copy. A legible photocopy shall be acceptable as the 7th and 8th copies.

(b) The generator shall sign and date by hand the certification on the first copy of the manifest form and shall ensure that the signature imprint and date are legible on all copies.

(c) The generator shall obtain the date of acceptance and handwritten signature of the initial transporter.

(d) The generator shall:

(1) Retain one copy of the manifest with signatures as described in (b) and (c), above; and

(2) Forward one of the photocopies of the manifest with signatures as described in (b) and (c), above, to:

a. The destination state if required by that destination state; and

b. The department within 5 days of shipment.

(e) The generator shall provide 5 copies of the manifest to the transporter to accompany the shipment.

Env-Hw 510.03 Manifest Information. The manifest shall:

(a) Contain all of the information required in the Appendix to 40 CFR Part 262, 7-1-07 edition, except that the word “wastes” shall be substituted for “waste codes” under the instructions for manifest item 27;

(b) For manifest item 13, identify wastes using the following:

(1) The waste code "NHX1" for wastes that are destined for recycling and are exempt from the hazardous waste clean up fee according to RSA 147-B:9, III;

(2) The waste code "NHX2" for wastes that are exempt from the hazardous waste cleanup fees according to RSA 147-B:9, VI;

(3) The waste code "NHX3" for wastes that are exempt from the hazardous waste cleanup fees according to RSA 147-B:9, IV;

(4) The waste code "NHX4" for wastes that are exempt from the hazardous waste cleanup fees according to RSA 147-B:9, I;

(5) The waste code "NHX5" for wastes that are exempt from the hazardous waste cleanup fees according to RSA 147-B:9, II; and

(6) The waste code "NHX6" for wastes that are exempt from the hazardous waste cleanup fees according to RSA 147-B:9, V; and

(c) Be signed in accordance with 40 CFR Part 262, 7-1-07 edition.

Env-Hw 510.04 Errors/Discrepancies.

(a) The generator shall initial and date any corrections to the manifest prior to shipment.

(b) If the manifest is rendered unusable, the manifest shall be voided and destroyed.

(c) If an error on the manifest is detected after the waste has been shipped, the generator shall immediately contact the facility and advise the operator of the error.

(d) For discrepancies involving the type or quantity of waste manifested, the department shall acknowledge such changes only if the facility has corrected the manifest or submitted a discrepancy report in accordance with Env-Hw 703.02.

Env-Hw 510.05 Rail or Water Shipments.

(a) For bulk shipments of hazardous waste that occur solely by water and for rail shipments of hazardous waste which originate at the site of generation, the generator shall comply with the provisions of this section instead of with the provisions of Env-Hw 510.02(d).

(b) For bulk shipments of hazardous waste that occur solely by water, the generator shall within 5 days of shipment send:

(1) To the owner or operator of the designated facility, or to the last water transporter to handle the waste in the United States if exported by water, 4 copies of the manifest dated and signed;

(2) To the department, one copy; and

(3) To the destination state, one copy, if the shipment remains within the United States and the destination state requires a copy.

(c) For rail shipments of hazardous waste which originate at the site of generation, the generator shall within 5 days of shipment send 4 copies of the manifest dated and signed to:

(1) The next non-rail transporter, if any;

(2) The designated facility if transported solely by rail; or

(3) The last rail transporter to handle the waste in the United States if exported by rail.

Env-Hw 510.06 International Shipments. Notwithstanding any other provisions of the hazardous waste rules, all generators importing or exporting hazardous waste shall meet the requirements of 40 CFR 262 Subparts E and F, 7-1-07 edition.

PART Env-Hw 511 DELIVERY OF HAZARDOUS WASTE

Env-Hw 511.01 Delivery.

(a) A generator shall not offer hazardous waste to:

(1) A transporter or a facility that has not obtained an EPA identification number; or

(2) A transporter that does not possess a current and valid New Hampshire hazardous waste transporter registration.

(b) Except as provided in (f), below, a generator shall deliver the hazardous waste to a facility authorized under the destination state's rules to handle the hazardous waste.

(c) Except as provided in (f), below, if the generator does not receive a copy of the manifest from the operator of the receiving facility within 45 days of shipment, the generator shall contact the operator to determine the status of the hazardous waste shipment. If the generator is unable to contact the operator, then the generator shall contact the transporter.

(d) If the generator does not receive a copy of the manifest with the hand-written signature of the operator of the designated facility, then the generator shall submit an exception report to the department within 60 days of shipment.

(e) Exception reports submitted pursuant to (d), above, shall include:

(1) A legible copy of the manifest for which the generator does not have confirmation of delivery; and

(2) A cover letter signed by the generator or his authorized representative explaining the efforts taken to locate the hazardous waste and the results of those efforts.

(f) Small quantity generators may transport 55 gallons or less of hazardous waste generated at their site to:

(1) A site that meets the conditions of Env-Hw 501.02(c);

(2) A one day household hazardous waste collection event sponsored by a government entity if:

a. The waste is given directly to a New Hampshire registered hazardous waste transporter during the collection event; and

b. Permission is obtained in advance from the government entity sponsoring the collection event; or

(3) A facility authorized under the destination state's rules to handle the waste.

Env-Hw 511.02 Inability to Deliver.

(a) If the transporter is unable to deliver all or part of a hazardous waste shipment, or if a facility rejects all or part of a hazardous waste shipment, the generator shall either designate an alternate authorized facility or instruct the transporter or operator to return the waste.

(b) If a waste shipment is returned, the generator shall:

(1) Ensure that the manifest is completed in accordance with Env-Hw 704.01(b) and (c);

(2) Sign:

a. Item 18c of the manifest, if the transporter returned the shipment using the original manifest; or

b. Item 20 of the manifest, if the transporter returned the shipment using a new manifest; and

(3) Comply with the applicable storage requirements of Env-Hw 500.

(c) The generator shall forward a copy of the certification of receipt to the department within 5 days of receipt.

PART Env-Hw 512 RECORDKEEPING AND REPORTING REQUIREMENTS

Env-Hw 512.01 Recordkeeping.

(a) Generators shall keep the following records for at least 3 years:

(1) All manifest copies, including the original generator copy and the copy certified by the designated facility or the foreign consignee, for 3 years from the date of signature by the generator.

(2) A copy of each quarterly activity report, for 3 years from the due date of the report;

(3) A copy of each exception report;

(4) A copy of each notification of intent to export;

(5) A copy of each EPA acknowledgment of consent;

(6) Records on any test results, waste analyses, or other waste determinations, made in accordance with Env-Hw 502.01, for 3 years from the date that the waste was last sent to treatment, storage or disposal; and

(7) Records of any hazardous waste spills or discharges.

(b) The time period specified in (a), above, shall be automatically extended during the course of any enforcement action until such action has been resolved.

(c) Manifests may be retained on microfiche or any other electronic media approved by the department, if certified by a responsible company official and available during an inspection by the department.

Env-Hw 512.02 Quarterly Reporting.

(a) The department shall mail a hazardous waste quarterly activity report summarizing hazardous waste manifest information to each generator who:

(1) Ships hazardous waste off-site using a manifest; or

(2) Treats, stores, or disposes of hazardous waste on-site pursuant to Env-Hw 304, Env-Hw 700, Env-Hw 805, Env-Hw 806, Env-Hw 808, or Env-Hw 809.

(b) If a generator meets the criteria specified in (a)(1), above, and has not received a quarterly activity report within 45 days following the last day of the previous quarter, the generator shall ask the department to send a new report.

(c) Unless exempted under (d), below, a generator who receives a hazardous waste quarterly activity report from the department shall return a certified copy of the report to the department.

(d) Political subdivisions that manifest less than 300 kilograms or 661.5 pounds of hazardous waste in a 3-month period shall be exempt from submitting a quarterly report pursuant to (c), above.

(e) Generators who manifest at least 300 kilograms or 661.5 pounds of hazardous waste in a 3-month period shall pay the quarterly hazardous waste generator fee established in RSA 147-B:8, subject to the exemptions established in RSA 147-B:9, to the department for deposit into the hazardous waste cleanup fund.

(f) The reporting quarters shall be as follows:

(1) 1st Quarter - January 1 to March 31;

(2) 2nd Quarter - April 1 to June 30;

(3) 3rd Quarter - July 1 to September 30; and

(4) 4th Quarter - October 1 to December 31.

(g) Quarterly activity reports shall include the following:

(1) Reporting quarter;

(2) Name, mailing address, site location, and EPA identification number of the generator;

(3) Weight in pounds of the hazardous waste manifested during the reporting quarter, summarized by manifest tracking number and EPA or state waste number;

(4) Weight in pounds of the quarter's manifested hazardous waste that was exempted from fees pursuant to RSA 147-B:9;

(5) For wastes resulting from the remediation of contaminated properties which are claiming the exemption in RSA 147-B:9, IV, a brief description of the efforts undertaken to remediate the contaminated property, including the details of the eligibility criteria found in RSA 147-B:9, IV;

(6) Fee payment due to the state of New Hampshire; and

(7) Certification of the accuracy of the report by a responsible company official.

(h) The generator shall:

(1) Review the reports for accuracy;

(2) Correct any errors; and

(3) Notify the department of any needed corrections within 30 days of receipt of the report.

(i) The generator shall submit to the department each quarterly activity report along with the appropriate fee within 30 days of receipt.

(j) Fees required by RSA 147-B:8 shall be assessed based on the weight of hazardous wastes calculated from information written on the generator's manifests, as follows:

(1) The assessed weight of hazardous wastes shall be calculated from information written on the generator's manifests; and

(2) If the generator inadvertently omits a waste code in manifest item 13 as required by Env-Hw 510.03(b)(1), the hazardous waste shall not be exempt from the fee unless the generator corrects the error by having the receiving facility submit a certification to the department that the waste was or will be recycled.

(k) Failure to submit the quarterly activity report or to enclose the fees due as specified in paragraph (j) above, shall result in the assessment of penalties and interest pursuant to RSA 147-B:8, as follows:

(1) A 10 percent penalty shall be added to amount of fees due for that quarter; or

(2) If no fees are due, a penalty of $1 per day that the report is not submitted after the deadline

shall be assessed.

(l) Fees paid by check or money order shall be:

(1) Made payable to “Treasurer, State of New Hampshire”; and

(2) Delivered or mailed to the department.

Env-Hw 512.03 Export Reporting.

(a) A generator who exports hazardous waste shall also file an annual report with the administrator of EPA by March 1 of each year. The report shall be based on exports made during the previous calendar year and shall include the information specified in 40 CFR 262.56, 7-1-07 edition.

(b) The report shall be submitted to:

Office of Enforcement and Compliance Assurance
Office of Federal Activites, International Compliance Assurance Division (2254A)
Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20460

(c) Hand delivered reports shall be sent to:

Office of Enforcement and Compliance Assurance
Office of Federal Activites, International Compliance Assurance Division
Environmental Protection Agency
Ariel Rios Building
12th Street and Pennsylvania Avenue, NW
Washington, DC

(d) Generators who are also treatment, storage or disposal facilities shall submit additional annual report information in accordance with Env-Hw 705.03.

PART Env-Hw 513 EMERGENCY ACTION; REMEDIAL ACTION

Env-Hw 513.01 Immediate Discharge Response Actions.

(a) The generator shall report any discharge of hazardous waste or any discharge of a material which when discharged becomes a hazardous waste that poses a threat to human health or the environment, for example, into storm or sanitary sewers, onto the land or into the air, groundwater or surface waters, immediately, not to exceed one hour from the discovery of the release, to local emergency officials and to:

(1) The department's emergency response telephone number at (603) 271-3899, Monday through Friday, 8 a.m. to 4 p.m.; or

(2) The New Hampshire department of safety telephone number at (603) 271-3636, 24 hours/day.

(b) The generator also shall comply with the emergency procedures as specified in 40 CFR 265.56,

7-1-01 edition.

Env-Hw 513.02 Discharge Cleanup.

(a) The generator shall immediately contain and clean up, within 24 hours, any hazardous waste discharge or any discharge of a material which, when discharged, becomes a hazardous waste.

(b) If the hazardous waste discharge cannot be or is not cleaned up within 24 hours, the generator shall submit a clean-up plan to the department within 5 days of the discharge.

(c) The clean-up plan shall:

(1) Provide for the protection of human health and the environment;

(2) Provide for the removal and proper disposal of the contamination source;

(3) Provide for confirmatory analysis of the potentially affected media, for example, soil, groundwater, or surface water, to demonstrate the clean up is successful; and

(4) Include a time table for completion of the clean-up plan.

(d) The department shall review the proposed clean-up plan and approve it if it determines that the plan meets the criteria set forth in (c), above.

(e) The generator shall implement the clean-up plan as approved by the department pursuant to (d), above.

(f) Within 30 days of completion of the clean up, the generator shall submit a report to the department detailing the actions taken.

(g) If the complete clean up can not be accomplished in accordance with (b) through (f), above, the generator shall submit a scope of work proposal for site investigations pursuant to Env-Or 600 to evaluate the potential impacts of the release on soil and groundwater.

Env-Hw 513.03 Waiver of Manifest and Permit Requirements for Emergency Response.

(a) In the event of an accidental discharge during generation, transportation, treatment, storage, or disposal of a hazardous waste or material, the department shall, during the response to the event, waive any of the manifest and permit requirements if such waiver:

(1) Is necessary to facilitate a prompt response; and

(2) Will protect human health and the environment.

(b) A person shall not be required to obtain a permit for treatment or containment activities taken during immediate response to any of the following situations:

(1) An unplanned discharge of a hazardous waste;

(2) An imminent and substantial threat of a discharge of hazardous waste; or

(3) A discharge of a material which, when discharged, becomes a hazardous waste.

(c) Any person who continues or initiates hazardous waste treatment or containment activities after the emergency response is over shall be subject to all applicable permitting requirements for those activities.

PART Env-Hw 514 SMALL QUANTITY GENERATOR SELF-CERTIFICATION

Env-Hw 514.01 Purpose and Applicability.

(a) The purpose of this part is to implement RSA 147-A:5, IV relative to self-certification of compliance with applicable hazardous waste rules by small quantity generators (SQGs) of hazardous waste.

(b) This part shall apply to each hazardous waste generator that generates, for every month of the generator's operations, less than 100 kilograms or 220 pounds of hazardous waste per month.

(c) Nothing in this part shall eliminate or otherwise affect the obligation of an SQG to comply with all applicable requirements of RSA 147-A and the New Hampshire hazardous waste rules, Env-Hw 100 et seq..

Env-Hw 514.02 Definitions. For purposes of this part, the following definitions shall apply:

(a) "Declaration" means a completed self-certification form and any attachments thereto;

(b) "Small quantity generator (SQG)" means a hazardous waste generator that generates, for every month of the SQG's operations, less than 100 kilograms or 220 pounds of hazardous waste per month for every month; and

(c) "SQG whose declaration is due" means:

(1) In 2009 and every third year thereafter, SQGs in Rockingham and Strafford counties;

(2) In 2010 and every third year thereafter, SQGs in Hillsborough and Cheshire counties; and

(3) In 2011 and every third year thereafter, SQGs in Merrimack, Coos, Carroll, Belknap, Sullivan, and Grafton counties.

Env-Hw 514.03 Self-Certification Procedures.

(a) On or before October 1 of each year, the department shall mail a self-certification form and explanatory information to each SQG whose declaration is due.

(b) Subject to (d) below, any SQG whose declaration is due who does not receive a self-certification form by October 10 shall notify the department no later than October 20.

(c) Upon receiving notification pursuant to (b), above, the department shall mail a self-certification form and explanatory information to the SQG.

(d) An SQG whose declaration is due may download the self-certification form and explanatory

information from the department's web site in lieu of requesting a paper copy from the department.

(e) Each SQG whose declaration is due shall complete the self-certification form provided by the department and return it to the department no later than January 1, together with:

(1) The fee, if any, specified in RSA 147-A:5, IV(b) through (e);

(2) A notification form as specified in Env-Hw 504.02; and

(3) The corrective action plan required by Env-Hw 514.06, if applicable.

(f) Each SQG whose declaration is due shall send or deliver the declaration, corrective action plan, if any, and the applicable fee to:

Department of Environmental Services, Waste Management Division
Attn: SQG Self-Certification Program
29 Hazen Drive
P.O. Box 95
Concord, NH 03302-0095

(g) Payment shall be made in the form of cash, check, money order, or credit card.

(h) Checks and money orders shall be made payable to "Treasurer, State of NH".

(i) For credit card payments, the SQG shall provide the following information:

(1) The type of card;

(2) The card number and expiration date,

(3) The exact name as shown on the card;

(4) The name and telephone number of the individual whom the department can call for verification;

(5) The zip code of the billing address for the card; and

(6) The address to which the receipt is to be mailed.

Env-Hw 514.04 Self-Certification Form: SQG Identification and Description. Each SQG whose declaration is due shall provide the following identifying and descriptive information on the self-certification form for each facility operated by the SQG:

(a) The facility's business name;

(b) The facility's mailing address;

(c) The facility's street address if different than the facility's mailing address;

(d) The municipality in which the facility is located;

(e) The facility's EPA identification number;

(f) The name and title of the individual completing the self-certification form on behalf of the SQG, and the individual's daytime telephone number and mailing address if different from the SQG's and, if available, an e-mail address and fax number;

(g) The date or dates on which the self-certification inspection and the file review were conducted;

(h) The name and mailing address of the owner of the property, if other than the SQG;

(i) Whether the facility:

(1) Only generates used oil for recycle;

(2) Only generates hazardous waste through recovery of silver from the use of photo-fixer solution;

(3) Generates and accumulates less than 100 kilograms or 220 pounds of hazardous waste per month; or

(4) Generates less than 100 kilograms or 220 pounds of hazardous waste per month and accumulates up to 1000 kilograms or 2200 pounds of hazardous waste;

(j) A list of the hazardous waste(s) generated;

(k) A description of how the SQG's hazardous waste is generated;

(l) The amount of hazardous waste generated monthly for each of the 12 months prior to the declaration being completed; and

(m) Whether the hazardous waste determination was done by testing or by knowledge of the process and materials used.

Env-Hw 514.05 Self-Certification Form: Self-Certification of Compliance.

(a) Subject to Env-Hw 514.06, each SQG whose declaration is due shall verify through appropriate inspections and record reviews that the SQG is in compliance with the following provisions if applicable to the SQG's operations:

(1) Env-Hw 504.02 relative to filing a declassification form if the SQG has ceased hazardous waste activities at the location identified on the SQG's original notification form;

(2) Env-Hw 507.01 relative to storage requirements;

(3) Env-Hw 507.02 relative to storage time requirements;

(4) Env-Hw 507.03 relative to labeling containers and tanks containing hazardous waste and shipping hazardous waste off-site;

(5) Env-Hw 508.02 relative to quantity of storage and preparedness and prevention;

(6) Env-Hw 508.03 relative to extended storage;

(7) Env-Hw 510.01 through Env-Hw 510.06 relative to manifests;

(8) Env-Hw 511.01 relative to delivery of hazardous wastes to an authorized facility;

(9) Env-Hw 512.01 relative to maintaining records;

(10) Env-Hw 512.02 relative to quarterly reporting and paying generator fees;

(11) Env-Hw 512.03 relative to exporting hazardous waste;

(12) Env-Hw 513.01 relative to reporting discharges of hazardous waste;

(13) Env-Hw 803.05 relative to documenting a claim of recycling of hazardous wastes; and

(14) Env-Hw 1100 relative to requirements for universal waste management.

(b) The completed self-certification form shall be signed and dated by the owner or other senior executive official of the SQG.

(c) The signature of the SQG's owner or other senior executive official shall constitute:

(1) An affirmation that the information provided and other statements made on the self-certification form are correct and complete to the best of the individual's knowledge and belief;

(2) An affirmation that the individual signing the form is familiar with the rules listed in (a), above, and with the SQG's operations and procedures with respect to hazardous waste at the facility covered by the declaration; and

(3) An acknowledgment that the signor understands that RSA 641:3 provides criminal penalties for making false or otherwise misleading statements with a purpose to deceive a public servant in the performance of official duties.

Env-Hw 514.06 Corrective Action Plan.

(a) If, at the time the declaration is due, the SQG is not in compliance with one or more of the provisions identified in Env-Hw 514.05(a), the SQG shall submit a corrective action plan as described in (b) and (c), below, with the declaration.

(b) For each instance of non-compliance, the corrective action plan shall identify:

(1) The provision with which the SQG is not in compliance;

(2) The action(s) the SQG has taken to date, if any, and the action(s) the SQG will take to come into compliance;

(3) The schedule on which the remaining corrective action(s) will be implemented; and

(4) The procedures adopted by the SQG to prevent a recurrence of the non-compliance.

(c) The corrective action plan shall also specify the date by which all remaining corrective actions shall be completed, which shall be as soon as practicable but in no event later than 90 days from the date the declaration is due, unless an extension is granted pursuant to (e) and (f), below.

(d) Within 30 days of completing all actions included in the corrective action plan, the SQG shall submit a certification of completion to the department that includes:

(1) A description of the corrective action(s) taken to comply with the corrective action plan; and

(2) The date each corrective action was completed.

(e) If a corrective action cannot be completed within 90 days of the date the declaration is due, the SQG may submit a written request for an extension explaining the circumstances warranting such an extension.

(f) The department shall grant an extension requested pursuant to (e), above, if the corrective action cannot be completed within 90 days due to circumstances that are beyond the control of the SQG.

CHAPTER Env-Hw 600 REQUIREMENTS FOR HAZARDOUS WASTE TRANSPORTERS

PART Env-Hw 601 APPLICABILITY AND EXEMPTIONS

Env-Hw 601.01 Applicability.

(a) Env-Hw 600 shall apply to all persons transporting hazardous wastes within or through New Hampshire, including hazardous waste destined for recycling.

(b) In addition to the requirements of Env-Hw 600, a transporter shall comply with the following:

(1) Generator requirements of Env-Hw 500, if the transporter:

a. Transports hazardous waste into the United States from abroad; or

b. Mixes hazardous wastes of different DOT shipping descriptions by placing them into a single container;

(2) Transfer facility requirements of Env-Hw 300 and Env-Hw 700, if the transporter operates a transfer facility as defined in Env-Hw 104; and

(3) Storage facility requirements of Env-Hw 300 and Env-Hw 700, if the transporter stores hazardous waste in excess of 10 days.

Env-Hw 601.02 Exemptions.

(a) Env-Hw 600 shall not apply to the on-site transportation of hazardous wastes by generators or by owners or operators of permitted hazardous waste facilities.

(b) Env-Hw 600 shall not apply to small quantity generators who self-transport 55 gallons or less of their own hazardous waste provided that:

(1) The waste is transported in:

a. Containers meeting the DOT specifications for hazardous materials; and

b. Full, sealed, labeled containers, which are compatible with the waste;

(2) Except as provided in Env-Hw 501.02(c), all manifest requirements of Env-Hw 510 and Env-Hw 604 are met;

(3) The generator has a mechanism for financial responsibility in the following amounts:

a. For bodily injury or death of each person in any one accident, $50,000.00; and

b. For loss or damage in any one accident to the property of others, $50,000.00; and

(4) Except as provided in Env-Hw 511.01(f), the waste is transported to a facility authorized under the destination state's rules to handle the hazardous waste.

(c) Env-Hw 600, including the conditions of (b)(1)-(4), above, shall not apply to government entities that accumulate household hazardous waste and transport this waste in accordance with Env-Hw 501.02(b).

(d) Env-Hw 600 shall not apply to universal waste handlers and universal waste transporters transporting universal waste, provided that the waste is managed in accordance with Env-Hw 1100.

PART Env-Hw 602 TRANSPORTER REGISTRATION

Env-Hw 602.01 Transporter Registration Requirements.

(a) No person shall transport hazardous waste into or within the state of New Hampshire without having a transporter registration issued by the department in accordance with Env-Hw 609.

(b) A copy of the transporter's registration confirmation letter shall be displayed upon request of any peace officer or authorized employee of the department.

(c) No person shall neglect or refuse to display said registration confirmation letter nor refuse to surrender it to such officials for examination.

PART Env-Hw 603 GENERAL REQUIREMENTS

Env-Hw 603.01 Notification.

(a) All hazardous waste transporters who operate from a New Hampshire location shall notify the department prior to conducting any hazardous waste activities covered under the hazardous waste rules.

(b) Subject to (c), below, all transporters that have not previously notified the department shall do so within 30 days of the effective date of any statutory or regulatory amendments which require the transporter to be registered as a New Hampshire hazardous waste transporter.

(c) If a statute sets a different deadline for notification, the statutory deadline shall control.

Env-Hw 603.02 Notification Information Requirements.

(a) Notification shall be done by completing a New Hampshire notification form, including the following information:

(1) Company name and mailing address;

(2) New Hampshire business location address;

(3) Contact person, title, and telephone number, and, if available, e-mail address and fax number;

(4) Transportation method;

(5) Types of hazardous waste which will be transported; and

(6) Certification as to the accuracy of the information provided on the notification form.

(b) All transporters shall notify the department in writing of any changes to the information provided pursuant to (a), above, within 30 days of such a change.

Env-Hw 603.03 Notification Determination.

(a) If the department, upon examination of a New Hampshire notification form, finds that the information submitted fails to meet the requirements of Env-Hw 603.02, the department shall notify the transporter in writing of the deficiency.

(b) Such notice shall specify the grounds on which the notification form is deficient.

(c) The transporter shall have 30 days from receipt to respond to such notice of deficiency and to explain or correct the alleged deficiency.

(d) If the transporter does not respond within 30 days, the transporter shall be required to re-notify and submit a new notification form.

Env-Hw 603.04 EPA Identification Number.

(a) A transporter shall not transport hazardous wastes without having received an EPA identification number.

(b) Upon determining that a transporter's notification form is complete, the department, with EPA assistance, shall assign an EPA identification number to the transporter.

Env-Hw 603.05 Packaging, Labeling, and Placarding.

(a) Transporters shall package and label all hazardous waste before and during shipment in accordance with (c) and (d), below, and the requirements of the New Hampshire department of safety as set forth in Saf-C 600.

(b) If a hazardous waste is removed from its container and placed in another container, or if additional hazardous waste is added to the container, the transporter shall comply with the packaging standards set forth in Saf-C 600.

(c) Prior to and during transportation, the transporter shall ensure that each container is labeled and clearly marked with the following:

(1) The words “Hazardous Waste”;

(2) The applicable New Hampshire or EPA waste number(s); and

(3) All applicable DOT required information as set forth in 49 CFR Part 172, 10-1-07 edition.

(d) If the label is destroyed or mutilated, if the hazardous waste is removed from its container, or if additional hazardous waste is added to the containers, the transporter shall remove or obliterate all previous labels and, as appropriate:

(1) Replace the label with a duplicate label; or

(2) Attach a label stating information pertaining to the hazardous waste now contained in that container.

(e) The transporter shall placard each vehicle with an appropriate warning of the hazardous waste contained therein in a manner approved by the New Hampshire department of safety as set forth in Saf-C 600.

(f) Any tank, barrel, drum, or other packaging of hazardous waste, which is not a part of the vehicle, shall be secured against movement within the vehicle on which it is being transported.

(g) Transporters shall ensure that all containers of hazardous waste are sealed prior to and during transport.

Env-Hw 603.06 Vehicle Identification.

(a) Each transporter shall display the following on both sides of all power or waste carrying units used to transport hazardous waste:

(1) The name of the company, corporation, association, or proprietorship;

(2) The city and state where its business office is located; and

(3) The transporter registration number.

(b) Such lettering shall:

(1) Be permanent and legible; and

(2) Contrast with the background.

(c) For (a)(1) and (3), above, the lettering shall be a minimum of 3 inches high.

(d) When a vessel or vehicle which has been registered and marked changes ownership, the registrant shall permanently remove the name and transporter registration number from both sides of all power and waste carrying units transferred to the new owner prior to or upon transfer.

Env-Hw 603.07 Department of Safety Rules. All hazardous waste transporters shall comply with New Hampshire department of safety rules in addition to Env-Hw 600.

Env-Hw 603.08 Security.

(a) The transporter shall secure all loads of hazardous waste when left unattended so as to minimize exposure by unauthorized individuals.

(b) Vehicles on which the cargo carrying portion can be closed and locked shall be closed and locked whenever the vehicle is left unattended.

Env-Hw 603.09 Personnel Training. All hazardous waste transporters shall comply with the training requirements specified in 49 CFR Part 172 Subpart H, 10-1-07 edition.

Env-Hw 603.10 Contingency Plan and Emergency Procedures.

(a) All hazardous waste transporters shall maintain a written current contingency plan and emergency procedures, as specified in (b), below.

(b) The contingency plan and emergency procedures shall include the following information:

(1) A brief description of the actions the transporter will take in the event of a fire, explosion, or discharge of hazardous waste to the air, soil, or surface water;

(2) Names, addresses, and home and office telephone numbers of all persons employed by the transporter who are qualified to act as emergency coordinator;

(3) Telephone number of the department's emergency response team, namely (603) 271-3899, Monday through Friday, 8:00 a.m. to 4:00 p.m.; and

(4) Telephone number of the New Hampshire state police, namely (603) 271-3636, 24 hours per day.

Env-Hw 603.11 Preparedness and Prevention. All hazardous waste transporters shall:

(a) Comply with the preparedness and prevention requirements specified in 40 CFR Part 265 Subpart C, 7-1-07 edition, if hazardous waste is stored in New Hampshire by the transporter for more than 24 hours; and

(b) Notify local emergency officials that hazardous waste is being stored in New Hampshire for greater than 24 hours.

Env-Hw 603.12 Financial Responsibility. All hazardous waste transporters shall meet the financial responsibility requirements of 49 CFR 387.9, 10-1-07 edition.

PART Env-Hw 604 MANIFESTS

Env-Hw 604.01 General Manifest Requirements.

(a) The transporter shall not accept hazardous waste without an accompanied manifest signed and completed by the generator in accordance with Env-Hw 510.01, Env-Hw 510.02, and Env-Hw 510.03.

(b) Each transporter shall sign and date all manifests.

(c) The initial transporter shall return a signed and dated copy of the manifest to the generator before leaving the generator's property.

(d) The transporter shall ensure that 5 copies of the manifest accompany the waste at all times during transit.

(e) A transporter who delivers a hazardous waste to another transporter shall:

(1) Obtain the date of delivery and the handwritten signature of that transporter on the manifest;

(2) Duplicate one copy of the manifest and retain the duplicate in accordance with Env-Hw 607.01; and

(3) Give the remaining copies of the manifest to the accepting transporter.

(f) Upon delivery to the designated or alternate facility, the transporter shall:

(1) Obtain the date of delivery and the handwritten signature of the operator of the designated or alternate facility on the manifest;

(2) Retain one copy of the signed manifest in accordance with Env-Hw 607.01; and

(3) Give the remaining copies of the signed manifest to the operator of the facility.

Env-Hw 604.02 Errors/Discrepancies. The transporter shall initial and date any changes to the manifest made by the transporter.

Env-Hw 604.03 Rail and Water Shipments.

(a) All rail and water shipments shall comply with DOT regulations.

(b) Transporters of such shipments need not carry a manifest but shall retain a manifest or shipping paper in accordance with Env-Hw 607.03.

(c) A shipping paper containing all the information required on the manifest, excluding the generator certification and signatures, and, for exports, an EPA acknowledgment of consent, shall accompany the hazardous waste at all times.

(d) The requirements of Env-Hw 604.01(e), (f) and (g) shall not apply to transporters of bulk shipments delivered by water to the designated facility if:

(1) The transporter delivering the hazardous waste to the initial bulk shipment water transporter:

a. Obtains the date of delivery and signature of the water transporter on the manifest;

b. Forwards the manifest to the designated facility; and

c. Retains a copy of the signed manifest in accordance with Env-Hw 607.01;

(2) The final water transporter delivering the hazardous waste to the designated facility obtains the date of delivery and handwritten signature of the operator of the designated facility on either the manifest or the shipping paper; and

(3) Each water transporter retains a copy of the manifest or shipping paper in accordance with Env-Hw 607.03.

(e) For rail shipments, transporters need not comply with the requirements of Env-Hw 604.01(e), (f) and (g), but shall meet the following requirements:

(1) When accepting hazardous waste from a non-rail transporter, the initial rail transporter shall:

a. Sign and date the manifest or shipping paper, acknowledging acceptance of the hazardous waste;

b. Return a copy to the delivering non-rail transporter; and

c. Forward the remaining copies to:

1. The next non-rail transporter, if any;

2. The designated facility, if the shipment is delivered to that facility by rail; or

3. The last rail transporter designated to handle the hazardous waste in the United States;

(2) When delivering hazardous waste to a non-rail transporter, a rail transporter shall obtain the date of delivery and handwritten signature of the non-rail transporter on the manifest;

(3) Before accepting hazardous waste from a rail transporter, a non-rail transporter shall sign and date the manifest and provide a copy to the rail transporter;

(4) The final rail transporter delivering the hazardous waste to the designated facility shall obtain the date of delivery and handwritten signature of the operator on the manifest, or on the shipping paper if the manifest has not been received by the facility; and

(5) All rail transporters shall retain a copy of the manifest and/or the shipping paper in accordance with Env-Hw 607.03.

Env-Hw 604.04 International Shipments.

(a) A transporter shall not accept hazardous waste intended for export if the transporter knows the shipment does not conform to the EPA acknowledgment of consent, unless:

(1) For exports that are not subject to 40 CFR 262 Subpart H, the transporter ensures that the hazardous waste is accompanied by an EPA acknowledgment of consent attached to the manifest or shipping paper in accordance with 40 CFR 263.20(a)(2), 7-1-07 edition; or

(2) For exports that are subject to 40 CFR 262 Subpart H, the transporter ensures that the waste is accompanied by a tracking document that includes all information required by 40 CFR 262.84, 7-1-07 edition.

(b) Transporters who transport hazardous waste out of the United States shall:

(1) Sign and date the manifest in the international shipments block to indicate the date the hazardous waste left the United States;

(2) Retain one copy of the manifest in accordance with Env-Hw 607.04;

(3) Return a signed copy of the manifest to the generator, the generator state, and the destination nation; and

(4) Give a copy of the manifest to the U.S. customs official at the point of departure from the United States.

PART Env-Hw 605 RECEIPT OF LIQUID HAZARDOUS WASTE

Env-Hw 605.01 Requirements for Receipt Of Liquid Hazardous Waste. Notwithstanding any other requirements of Env-Hw 600, when liquid hazardous waste will be transferred to a tank on the transport vehicle, the transporter shall:

(a) Measure by metering, sticking, or weighing, the amount of liquid hazardous waste collected and transferred to the tank; and

(b) Record the amount of hazardous waste measured on the accompanying manifest.

PART Env-Hw 606 DELIVERY

Env-Hw 606.01 Requirements for Delivery.

(a) The transporter shall deliver the entire quantity of hazardous waste which the transporter has accepted from a generator or a transporter to:

(1) A continuing transporter;

(2) The designated authorized facility on the manifest;

(3) The alternate facility designated if the hazardous waste cannot be delivered to the designated facility because an emergency prevents delivery; or

(4) The facility outside the United States designated by the generator.

(b) The transporter shall obtain the date of delivery and the handwritten signature from the next transporter or the facility operator on the manifest or shipping paper.

(c) The transporter shall deliver hazardous waste to a destination as described in (a), above, within 10 days of the time the hazardous waste leaves the generator's facility.

Env-Hw 606.02 Inability to Deliver. If a transporter is unable to deliver all or part of a hazardous waste shipment, the transporter shall:

(a) Contact the generator;

(b) Return the hazardous waste to the generator or deliver the hazardous waste to an alternate permitted facility designated by the generator; and

(c) Comply with 40 CFR 263.21, 7-1-07 edition.

PART Env-Hw 607 RECORDKEEPING AND REPORTING

Env-Hw 607.01 Recordkeeping.

(a) Transporters shall keep a copy of each manifest signed by the generator, any prior transporters, themselves, and the next designated transporter or operator of the authorized facility for a period of 3 years from the date the hazardous waste was accepted by the initial transporter.

(b) Manifests may be retained on microfiche or any other electronic media if certified by an authorized company official and available during inspection by the department.

Env-Hw 607.02 Annual Reporting. Registered transporters who transport used oil pursuant to Env-Hw 807.07 shall meet the annual reporting requirements of Env-Hw 807.07(d) through (g).

Env-Hw 607.03 Rail and Water Shipments.

(a) In the case of bulk shipments delivered by water to the designated facility, each water transporter shall retain a copy of the manifest or shipping paper signed by the next transporter or designated facility for a period of 3 years from the date of acceptance by the initial transporter.

(b) In the case of rail shipments:

(1) The initial rail transporter shall retain a copy of the manifest and the shipping paper for 3 years from the date the hazardous waste was accepted by the initial transporter;

(2) Intermediate rail transporters shall retain a copy of the manifest or the shipping paper for the 3 year period; and

(3) The final rail transporter shall retain a copy of the signed manifest or the shipping paper if signed by the designated facility in lieu of the manifest for the 3 year period.

Env-Hw 607.04 Export Shipments. A transporter who transports hazardous waste out of the United States shall keep a copy of the manifest indicating that the hazardous waste left the United States for a period of 3 years from the date the hazardous waste was accepted by the initial transporter.

Env-Hw 607.05 Retention of Records During Enforcement Actions. The period of retention referred to in Env-Hw 607.01, Env-Hw 607.02 and Env-Hw 607.03 shall be extended automatically during the course of any unresolved enforcement action regarding the regulated activities.

PART Env-Hw 608 EMERGENCY ACTION/REMEDIAL ACTION

Env-Hw 608.01 Immediate Discharge Response Actions.

(a) The transporter shall report any discharge of hazardous waste or any discharge of a material which when discharged becomes a hazardous waste that poses a threat to human health or the environment, for example, into storm or sanitary sewers, onto the land or into the air, groundwater or surface waters.

(b) An air, rail, highway, or water transporter who has discharged hazardous waste shall:

(1) Immediately notify local emergency officials;

(2) Immediately, not to exceed one hour from the discovery of the release, notify the department at (603)271-3899, Monday through Friday, 8:00 a.m. to 4:00 p.m. or the New Hampshire department of safety at (603) 271-3636, 24 hours per day; and

(3) Comply with all other applicable requirements of 40 CFR 263.30(c) or (d), 7-1-07 edition, including providing any required reports and notifications.

Env-Hw 608.02 Discharge Cleanup.

(a) A transporter shall immediately contain and clean up, within 24 hours, any hazardous waste discharge or any discharge of a material which when discharged becomes a hazardous waste that occurs while the hazardous waste is under the control of the transporter.

(b) If the hazardous waste discharge cannot be or is not cleaned up within 24 hours of the occurrence the transporter shall submit a clean-up plan to the department, within 5 days of the discharge.

(c) The clean-up plan shall:

(1) Provide for the protection of human health and the environment;

(2) Provide for the removal and proper disposal of the contamination source;

(3) Provide for confirmatory analysis of the potentially affected media, for example, soil, groundwater, or surface water, to demonstrate the clean up is successful; and

(4) Include a time table for completion of the clean-up plan.

(d) The department shall review the proposed clean-up plan and approve it if it determines that the clean-up plan meets the criteria set forth in (c), above.

(e) The transporter shall implement the clean up plan as approved by the department pursuant to (d), above.

(f) Within 30 days of completion of the clean up, the transporter shall submit a report to the department detailing the actions taken.

(g) If the complete clean up can not be accomplished in accordance with (b) through (f), above, the transporter shall submit a scope of work proposal for site investigations pursuant to Env-Or 600 to evaluate the potential impacts of the release on soil and groundwater.

Env-Hw 608.03 Waivers of Manifest, Permit, and Registration Requirements for Emergency Response.

(a) In the event of a discharge during generation, transportation, treatment, storage, or disposal of a hazardous waste or material, the department shall, during the response to the event, waive any of the manifest, permit, registration or any such requirements if the waiver:

(1) Is necessary to facilitate a prompt response; and

(2) Will protect human health and the environment.

(b) A person shall not be required to obtain a permit for treatment or containment activities taken during immediate response to any of the following situations:

(1) An unplanned discharge of a hazardous waste;

(2) An imminent and substantial threat of a discharge of hazardous waste; or

(3) A discharge of a material which, when discharged, becomes a hazardous waste.

(c) Any person who continues or initiates hazardous waste treatment or containment activities after the emergency response is over shall be subject to all applicable permitting requirements for those activities.

PART Env-Hw 609 REGISTRATION OF HAZARDOUS WASTE TRANSPORTERS

Env-Hw 609.01 Registration Process.

(a) As required by RSA 147-A:6, an applicant for a transporter registration shall provide the following information on forms provided:

(1) The name, address, and telephone number of the transporter;

(2) The name and title of the contact person;

(3) The transporter's U.S. DOT motor carrier census number or the interstate commerce commission number, and the transporter's EPA identification number;

(4) Subject to (b), below, the transporter’s U.S. Research and Special Programs Administration (“RSPA”) registration number, if applicable; and

(5) An attestation that the transporter complies with the financial responsibility requirements of 49 CFR 387.9, 10-1-07 edition.

(b) In lieu of (a)(4), above, the transporter may provide the hazardous materials registration number as assigned by the Pipelines and Hazardous Materials Safety Administration of the U.S. DOT.

(c) A transporter seeking to renew a transporter registration shall submit the application on or before May 15 of the calendar year.

(d) The department shall return an incomplete transporter registration application to the applicant.

(e) All transporters shall provide, upon the request of the department, copies of the following:

(1) The name, address, EPA identification number, and phone number of the transporter's principal place of business and any regional offices, if applicable;

(2) The name, address, phone number, and EPA identification number of any company which owns, in whole or in part, the company that owns the vehicle being inspected, if applicable;

(3) The names, addresses, titles, and dates of birth of all corporate officers and all stockholders owning greater than 10% of the transporter's outstanding shares or debt equity;

(4) The names of all individuals or business firms which contract to perform part or all of the transportation of hazardous waste under the transporter's registration;

(5) The types of hazardous wastes that the transporter transports;

(6) The generators for whom the transporter transports hazardous waste;

(7) A description of the transporter's introductory and continuing personnel training programs as required by 49 CFR 172 Subpart H, 10-1-07 edition;

(8) A contingency plan and emergency procedures plan as required by Env-Hw 603.10;

(9) A copy of the certificate of insurance or other proof of financial responsibility as required by (a)(5), above;

(10) A list of currently valid hazardous waste transporter permits or registrations from other states, including the state, expiration date, and the years held;

(11) Copies of any letters of commendation received by the transporter;

(12) A list of any other names under which the company has been known or done business within the past 5 years;

(13) Copies of any notices of violation, administrative orders, notices of suspension or denial, and civil or criminal actions completed or pending from or before state or federal agencies;

(14) A list of any pending suits, including any civil suits in which the company is presently involved as a plaintiff or defendant;

(15) A list of any environmental permits held by the transporter which have been revoked or suspended; and

(16) Information regarding any convictions or pleas of guilty or no contest to a felony committed by the transporter or, in the case of a corporation or business entity, of any of its officers, directors, partners, or persons or business entities holding 10 percent or more of its equity or debt liability who has pled guilty or no contest to a felony in any state or federal court during the 5 years before the date of the registration by the transporter.

Env-Hw 609.02 Transporter Registration. A transporter registration shall:

(a) Not be transferable; and

(b) Expire on the date specified on the registration.

Env-Hw 609.03 Registration Modification.

(a) The transporter shall notify the department by providing updated information in writing within 15 days of any of the following:

(1) A name change for the transporter;

(2) A change in physical location or mailing address of the transporter;

(3) A change of company contact of the transporter;

(4) A change in telephone number of the transporter;

(5) A change in the EPA identification number of the transporter;

(6) A change in ownership or operational control as provided in (b) below; and

(7) A change in majority of voting shares to a new individual or entity.

(b) A change in ownership or operational control of the transporter shall be as follows:

(1) For a partnership, a change in the majority of general partners;

(2) For a corporation, a transfer of all corporate assets or of a majority of voting shares to a new individual or entity;

(3) For other organizations, a transfer of the control of the organization to a new individual or entity; and

(4) For an individual, transfer of control to another individual or entity.

Env-Hw 609.04 Registration Suspension and Revocation.

(a) The department shall suspend, revoke, or refuse to renew a hazardous waste transporter's authorization to transport hazardous waste if the transporter does not comply with the criteria set forth in Env-Hw 610.02.

(b) Within 30 days of receiving a notice of the department's intent to suspend or revoke a registered transporter's authorization to transport hazardous waste in New Hampshire, the person identified on the registration may request an oral hearing before the department. The oral hearing shall be conducted as an adjudicative proceeding in accordance with the applicable provisions of RSA 541-A and Env-C 200.

(c) Within 30 days of receipt of a notice of decision by the hearing officer regarding a registered hazardous waste transporter's suspension or revocation of authorization to transport hazardous waste in New Hampshire, the transporter may appeal the notice of decision to the waste management council pursuant to RSA 21-O:14.

(d) Within 5 days of suspension or revocation, the transporter shall return all original copies of the registration confirmation letter to the department.

(e) Within 15 days of suspension or revocation, the transporter shall:

(1) Notify all New Hampshire customers served during prior year that it is not authorized to transport hazardous waste; and

(2) Publish a notice of suspension/revocation in a statewide newspaper.

Env-Hw 609.05 Registration Denial.

(a) The department shall deny a registration in accordance with RSA 147-A:6, V(d).

(b) Within 30 days of receipt of a notice of a registration denial, the transporter may appeal such denial to the waste management council in accordance with RSA 21-O:14.

Env-Hw 609.06 Vehicle and Vessel Requirements.

(a) Each transporter shall comply with the display requirements of Env-Hw 603.06.

(b) A copy of the hazardous waste transporter registration confirmation letter shall be carried in each transporter’s vehicle or vessel.

(c) A copy of the hazardous waste transporter registration confirmation letter shall be displayed and surrendered for examination upon request of any federal, New Hampshire, or local law enforcement officer or department representative.

(d) A copy of the contingency plan shall be carried in each transporter’s vehicle.

(e) The transporter shall carry on board the vehicle spill control equipment such as speedi-dry or absorbent rags.

PART Env-Hw 610 STANDARDS FOR HAZARDOUS WASTE TRANSPORTERS WHO TRANSPORT HAZARDOUS WASTE IN NEW HAMPSHIRE AND APPLICANTS FOR TRANSPORTER REGISTRATION

Env-Hw 610.01 Background Investigations. The department shall conduct a background investigation of the registrant or applicant to determine whether the registrant or applicant has sufficient reliability, expertise, integrity, and competence to transport hazardous waste in and through New Hampshire.

Env-Hw 610.02 Registrant Integrity and Competence. For the purposes of issuing a transporter registration or renewal registration, suspending, revoking or denying a transporter registration or renewal registration, the department shall conclude that the registrant does not have sufficient reliability, expertise, integrity, and competence to transport hazardous waste if:

(a) The registrant continues to transport hazardous waste after allowing the applicable transporter registration(s) to lapse;

(b) The registrant transports hazardous waste prior to receiving a hazardous waste registration or renewal registration;

(c) The registrant fails to comply with the financial responsibility requirements of 49 CFR 387.9, 10-1-07 edition;

(d) Issuance of the registration was based on false or misleading information;

(e) The registrant's activities covered by the registration presents an immediate and substantial threat to human health or the environment;

(f) The registrant failed to comply with an order issued by the department or by any state relative to hazardous waste transportation, including an order to undertake corrective measures, unless the transporter is complying with the order in accordance with a compliance schedule and is current with all items;

(g) The registrant failed to comply with an order issued by the department or by any state relative to a violation of any other statute administered by the department or by any state;

(h) The registrant owes any administrative fines to the department or to any state, unless the fines are being paid in accordance with a payment schedule and the transporter is current with all payments;

(i) The registrant owes any fees to the department or by any state, unless the fees are being paid in accordance with a payment schedule and the transporter is current with all payments;

(j) The registrant owes any civil or criminal penalties imposed as a result of a judicial action taken to enforce any statute or rule implemented by the department or by any state, unless the penalties are being paid in accordance with a payment schedule and the applicant is current with all payments;

(k) The registrant failed to comply with any civil or criminal restoration or restitution order imposed as a result of a judicial action taken to enforce any statue or rule implemented by the department or by any state, unless the applicant is complying in accordance with a compliance schedule and is current with all items; and

(l) Within 5 years of the application date, the registrant has been the subject of 2 or more administrative or civil enforcement actions or one criminal enforcement action, that have not been overturned on appeal, for violation(s) of:

(1) Any registration or permit issued by the department or by any state; or

(2) Any statute or rule implemented by the department or by any state.

Env-Hw 610.03 Applicant Integrity and Competence. For the purposes of issuing or denying a transporter registration, the department shall conclude that the applicant does not have sufficient reliability, expertise, integrity, and competence to transport hazardous waste if:

(a) The applicant continues to transport hazardous waste after allowing the applicable transporter registration(s) to lapse;

(b) The applicant transports hazardous waste prior to receiving a hazardous waste registration or renewal registration;

(c) The applicant fails to comply with the financial responsibility requirements of 49 CFR 387.9, 10-1-07 edition;

(d) The applicant failed to comply with an order issued by the department or by any state relative to hazardous waste transportation, including an order to undertake corrective measures, unless the transporter is complying with the order in accordance with a compliance schedule and is current with all items;

(e) The applicant failed to comply with an order issued by the department or by any state relative to a violation of any other statute administered by the department or any state, unless the transporter is complying with the order in accordance with a compliance schedule and is current with all items;

(f) The applicant owes any administrative fines to the department or to any state, unless the fines are being paid in accordance with a payment schedule and the transporter is current with all payments;

(g) The applicant owes any fees to the department or by any state, unless the fees are being paid in accordance with a payment schedule and the transporter is current with all payments;

(h) The applicant owes any civil or criminal penalties imposed as a result of a judicial action taken to enforce any statute or rule implemented by the department or by any state, unless the penalties are being paid in accordance with a payment schedule and the applicant is current with all payments;

(i) The applicant failed to comply with any civil or criminal restoration or restitution order imposed as a result of a judicial action taken to enforce any statue or rule implemented by the department or by any state, unless the applicant is complying with the order in accordance with a compliance schedule and is current with all items; and

(j) Within 5 years of the application date, the applicant has been the subject of 2 or more administrative or civil enforcement actions or one criminal enforcement action, that have not been overturned on appeal, for violation(s) of:

(1) Any registration or permit issued by the department or by any state; or

(2) Any statute or rule implemented by the department or by any state.

CHAPTER Env-Hw 700 REQUIREMENTS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE FACILITIES/HAZARDOUS WASTE TRANSFER FACILITIES

PART Env-Hw 701 APPLICABILITY AND EXEMPTIONS

Env-Hw 701.01 Applicability.

(a) Env-Hw 700 shall apply to the owners and the operators of all facilities, unless exempted under Env-Hw 800 or Env-Hw 701.02.

(b) If a facility receives waste from off-site and treats or holds the waste in storage, but does not render it non-hazardous, the operator shall assume the role of generator and comply with all generator requirements of Env-Hw 500.

(c) Env-Hw 707 shall apply to:

(1) All facilities that qualify for interim status until either a standard permit or transfer facility permit is issued under Env-Hw 300 or until applicable closure and post-closure requirements of Env-Hw 707.02(a)(11) are met;

(2) Owners and operators of facilities in existence on July 1, 1980 who failed to provide timely notification as first required under He-P 1905; and

(3) Owners and operators of facilities in existence on July 1, 1980 who failed to file a permit application as first required by He-P 1905.

(d) The requirements of Env-Hw 700 shall apply to a person disposing of hazardous waste by means of ocean disposal subject to a permit issued under the Marine Protection, Research, and Sanctuaries Act only to the extent the person is deemed to have a permit-by-rule under Env-Hw 300.

(e) The requirements of Env-Hw 700 shall apply to the operator of a POTW which treats, stores, or disposes of hazardous waste only to the extent the operator is deemed to have a permit-by-rule under Env-Hw 300.

Env-Hw 701.02 Exemptions.

(a) The requirements of Env-Hw 700 shall not apply to:

(1) Full quantity generators who store their hazardous waste on-site for 90 days or less, except as provided in Env-Hw 509.03, and who do not dispose of their hazardous waste on-site;

(2) Small quantity generators who accumulate waste in accordance with Env-Hw 508;

(3) The owner or operator of a solid waste facility, as defined in RSA 149-M:4, IX and permitted by the department pursuant to RSA 149-M to manage municipal or industrial solid waste, provided that such facility accepts no hazardous waste for treatment, storage, or disposal;

(4) The owner or operator of an elementary neutralization unit or wastewater treatment unit that meets the requirements of Env-Hw 304.04;

(5) A transporter who stores manifested shipments of hazardous waste in containers meeting the requirements of 40 CFR 262.30, 7-1-07 edition, for a period of less than 10 days, provided that the wastes are enroute to the facility designated on the manifest, and that all wastes remain on the registered vehicle and wastes are not transferred or removed from the vehicle;

(6) The owner or operator of a facility managing recyclable materials described in Env-Hw 802.02 and Env-Hw 804.02 except to the extent that Env-Hw 700 requirements are referred to in Env-Hw 804 through Env-Hw 809;

(7) A farmer disposing of waste pesticides from his/her own use, provided he/she triple rinses each emptied pesticide container as set forth in Env-Hw 401.03(h), and disposes of the pesticide residues on their own farm in a manner consistent with the disposal instructions on the pesticide label;

(8) A person engaged in treatment or containment activities during immediate response to a discharge of hazardous waste, or a discharge of a material which, when discharged, becomes a hazardous waste, except:

a. Facility owners and operators shall comply with Env-Hw 708.02(a)(9) and Env-Hw 708.02(a)(10) except that owners and operators of existing facilities shall comply with 40 CFR 265.54, 7-1-01 edition, instead of 40 CFR 264.54, 7-1-01 edition; and

b. Any person who continues or initiates hazardous waste treatment or containment activities after the immediate response is over shall be subject to Env-Hw 300 and Env-Hw 700;

(9) The addition of absorbent to waste in a container provided that the absorbent does not change the chemical properties of the waste and the requirements of 40 CFR 264.1(g)(10), 7-1-99 edition, are met;

(10) Generators receiving small quantity generator waste in accordance with Env-Hw 501.02(c);

(11) Household hazardous waste collection projects who receive hazardous waste from small quantity generators, provided that the hazardous waste is:

a. Manifested in accordance with Env-Hw 510;

b. Received only during a one day household hazardous waste collection event; and

c. Given directly by the small quantity generator to a New Hampshire registered hazardous waste transporter during a one day collection event;

(12) A government entity that receives household hazardous waste from another government entity provided the household hazardous waste is shipped off-site within 90 days after receipt;

(13) A universal waste handler or a universal waste transporter handling universal waste, provided that the waste is managed in accordance with Env-Hw 1100; and

(14) The owner or operator of a totally enclosed treatment facility as defined in Env-Hw 104.

(b) Transfer facilities shall be exempt from Env-Hw 705.01(b)(1) through (6) and (9) through (14), Env-Hw 705.02, Env-Hw 705.03, Env-Hw 707.02(a)(2) and (10), and Env-Hw 708.02(a)(2).

Env-Hw 701.03 Prohibitions.

(a) Underground injection of hazardous waste shall be prohibited.

(b) Wastes with EPA Hazardous Waste Numbers F020, F021, F022, F023, F026, and F027 shall not be managed at facilities subject to Env-Hw 707, unless:

(1) The wastewater treatment sludge is generated in a surface impoundment as a part of the plant's wastewater treatment system;

(2) The waste is stored in tanks or containers;

(3) The waste is stored or treated in waste piles that meet the requirements of Env-Hw 707.03(d)(4);

(4) The waste is burned in an incinerator that is certified pursuant to the standards and procedures in Env-Hw 707.03(g); or

(5) The waste is burned in a facility that thermally treats the waste in a device other than an incinerator and that is certified pursuant to the standards and procedures in Env-Hw 707.03(h).

PART Env-Hw 702 GENERAL REQUIREMENTS FOR FACILITY OPERATORS

Env-Hw 702.01 Notification.

(a) The operator of a facility shall notify the department of all hazardous waste activities covered under the hazardous waste rules.

(b) The operator of an existing facility that has not previously notified the department or EPA shall do so within 30 days of the effective date of any statutory or regulatory amendment which renders the facility subject to the requirement to have an EPA or New Hampshire permit.

(c) The operator of a proposed facility shall notify the department of the proposed activities before any activity that is regulated under the hazardous waste rules commences.

Env-Hw 702.02 Notification Information Requirements.

(a) The notification required by Env-Hw 702.01 shall be done by providing the following information on a New Hampshire notification form obtained from the department:

(1) Company name and mailing address;

(2) Facility or transfer facility location address;

(3) Name, mailing address, and daytime telephone number of principal contact person;

(4) Name of company's legal owner;

(5) List of types of wastes handled and handling method(s); and

(6) Certification as to the accuracy of the information provided on the notification form.

(b) The operator shall notify the department in writing of any changes to the information provided in (a), above, by providing the updated information within 30 days of the effective date of any change. A New Hampshire subsequent notification form shall be completed for any changes to the information required in (a)(1), (4), or (5), above.

Env-Hw 702.03 Notification Determination.

(a) If the department, upon examination of a New Hampshire notification form, has reason to believe that the information submitted fails to meet the requirements of Env-Hw 702.02(a) and (b), the department shall notify the owner or operator in writing of the deficiency.

(b) Such notice shall specify the grounds on which the notification form is deficient.

(c) The operator shall have 30 days from receipt to respond to such notice of deficiency and to explain or correct the alleged deficiency in the notification form.

(d) If the operator does not respond within 30 days, the operator shall be deemed not to have notified and shall renotify and submit a new notification form.

Env-Hw 702.04 EPA Identification Number.

(a) An operator of a facility or transfer facility shall not generate, receive, transfer, treat, store, or dispose of hazardous waste without having received an EPA identification number. Upon approval of a notification form from a facility or transfer facility, the department, with EPA assistance, shall assign an EPA identification number to the facility or transfer facility. A separate number shall be obtained for each site location.

(b) Upon receipt and approval of a notification form from an existing facility, the department shall assign a New Hampshire temporary identification number which shall be valid until a permanent EPA identification number is issued.

Env-Hw 702.05 Facility Permits.

(a) The operator of an existing facility shall comply with the permitting requirements of Env-Hw 304.

(b) In order to obtain a standard permit or transfer facility permit, the operator of a new facility shall comply with the applicable permit application requirements of Env-Hw 304.

Env-Hw 702.06 Public Notification Plan. The operator of a facility shall develop and follow a plan describing methods to inform the public of the status of the activities undertaken at the facility or transfer facility.

Env-Hw 702.07 Transfer of Ownership/Relinquishment of Property Rights. In order to transfer a permit, the operator shall meet the requirements of 40 CFR 270.40, 7-1-99 edition, and RSA 147-A:4, IV-

a.

Env-Hw 702.08 Environmental and Health Requirements. Notwithstanding any provisions in Env-Hw 700, the operator of a facility shall:

(a) Meet all surface water standards as specified in the Federal Clean Water Act and New Hampshire statutes according to RSA 485-A, and groundwater criteria established by the Federal Safe Drinking Water Act and Env-Or 600;

(b) Meet all air emission limits specified in the Federal Clean Air Act, RSA 125-C, and state implementation plans;

(c) Prevent exposure of facility workers to chemicals in violation of Occupational Safety and Health Administration regulations; and

(d) Prevent exposure of humans or the environment to harmful quantities of hazardous waste or its constituents.

Env-Hw 702.09 General Design Requirements. All facilities shall meet the following design requirements and standards:

(a) A facility shall be designed and operated to minimize the possibility of any unplanned releases of hazardous waste or constituents;

(b) A facility shall have diversion structures capable of diverting all surface water run-off and run-on from the active portions of the facility for a 24-hour, 100-year storm;

(c) A facility shall be located above the 100-year flood level unless it is an existing facility which is designed, constructed, operated and maintained to prevent washout of any hazardous waste by a 100-year flood, unless the operator ensures that all waste can be removed safely before floodwaters can reach the facility to a location where the wastes will not be vulnerable to flood waters; and

(d) A facility shall be designed so that all surface run-off from active portions of the facility shall be collected and contained before it is discharged from a point source, and shall be handled in accordance with the Federal Clean Water Act and New Hampshire RSA 485-A.

Env-Hw 702.10 Groundwater Monitoring.

(a) The operator of a facility with a surface impoundment, landfill, or land treatment operation shall install and operate a groundwater monitoring/release detection system capable of detecting the potential migration in groundwater of hazardous waste or waste constituents outside the boundaries of the facility, as specified below:

(1) Facilities that were in existence on July 1, 1980 shall implement a groundwater monitoring/release detection program in accordance with 40 CFR 265, Subpart F, 7-1-01 edition;

(2) Facilities which become subject to Env-Hw 700 due to statutory or regulatory amendments shall implement a groundwater monitoring/release detection program in accordance with 40 CFR 265 Subpart F, 7-1-01 edition, within one year of the effective date of the statutory or regulatory amendments; and

(3) New facilities shall implement a groundwater monitoring/release detection program in accordance with 40 CFR 264, Subpart F, 7-1-01 edition.

(b) The groundwater monitoring/release detection shall be done in accordance with Env-Or 700 and as specified below, provided that in the case of a conflict, the more stringent requirement shall apply:

(1) The groundwater monitoring/release detection system shall satisfy the requirements of 40 CFR 265.91, 7-1-01 edition, and be capable of yielding statistically significant samples of at least one well installed hydraulically upstream and 3 wells installed hydraulically downstream at the perimeters of the facility;

(2) An analysis shall be conducted every 3 months during the first year of operation, and every 6 months thereafter, following recommended procedures found in 40 CFR 265.92, 7-1-01 edition;

(3) Sample analyses shall be measured against criteria such that when the criteria are employed, one shall be able to detect whether hazardous wastes or waste constituents have entered the groundwater, the rate of migration, and the concentration of constituents; and

(4) The criteria required by (3), above, shall be reviewed by the department. The department shall approve the criteria if they are sufficient to detect whether hazardous wastes or waste constituents have entered the groundwater, the rate of migration, and the concentration of constituents.

Env-Hw 702.11 Other Monitoring.

(a) The department shall review the groundwater monitoring/release detection plan proposed pursuant to Env-Hw 702.10(b) and all resulting data.

(b) The department shall review the design and operations of all hazardous waste facilities and transfer facilities other than those specified in Env-Hw 702.10(a) to determine whether the design and operation might allow any hazardous waste or constituent to migrate off-site.

(c) The department shall require the installation and operation of a monitoring system, including monitoring of air emissions, groundwater contamination, and leachate detection as appropriate to the migration vectors identified by the department, for:

(1) Facilities identified in Env-Hw 702.10(a), if the groundwater monitoring/release detection plan proposed pursuant to Env-Hw 702.10(b) is not adequate to detect the off-site migration of all hazardous wastes or constituents; or

(2) All other facilities or transfer facilities not identified in Env-Hw 702.10(a) whose design and/or operation might allow any hazardous waste or constituent to migrate off site.

(d) For any monitoring system specified in (c), above, the department shall specify in writing:

(1) The monitoring system required;

(2) The frequency of analysis required; and

(3) The sampling and evaluation procedures and criteria to be used.

Env-Hw 702.12 Alternate Monitoring Plan. If the department specifies a plan pursuant to Env-Hw 702.11(c), the owner or operator may apply for a waiver or may submit for approval an alternate monitoring plan.

Env-Hw 702.13 Monitoring Response.

(a) Upon the detection of contamination of any groundwater, surface water, air, or soil, the owner or operator of a facility shall immediately notify the department at (603) 271-3899 from 8 a.m. to 4 p.m., and the New Hampshire department of safety at (603) 271-3636 at all other times.

(b) Within 10 days of notification, the operator shall:

(1) Collect and evaluate samples on a more frequent basis;

(2) Take preventive actions, such as requiring more stringent operational procedures;

(3) Take remedial actions, including on-site relocation of wastes;

(4) File a report, within 30 days of notification, identifying the causes of contamination and delineating if they are accidental, due to operating or design failures, or of unknown cause;

(5) Provide evidence that the contamination can be mitigated by actions not previously mentioned; and

(6) Temporarily cease operations so that the causes can be found and corrected.

(c) Unless a release detection permit is required pursuant to RSA 485-C:13, the department shall waive any of the requirements of Env-Hw 702.10(b) if:

(1) The operator requests such a waiver in writing as specified in Env-Hw 202; and

(2) The operator provides documentation that the criteria for granting a waiver as specified in Env-Hw 202 are satisfied.

PART Env-Hw 703 RECEIPT OF WASTE

Env-Hw 703.01 General Manifest Requirements.

(a) Upon receipt of a hazardous waste accompanied by a manifest, the operator or a responsible agent of the designated facility shall comply with 40 CFR 264.71, 7-1-07 edition and 40 CFR 265.71, 7-1-07 edition, as applicable.

(b) Within 30 days of signing the manifest, the operator or a responsible agent shall send a copy of the manifest to the generator, the generator state, and the destination state.

Env-Hw 703.02 Manifest Errors/Discrepancies.

(a) The operator or a responsible agent shall:

(1) Initial and date any corrections to the manifest or, if the manifest has not been received, to the shipping paper, ensuring that any corrections are legible on each copy; and

(2) Comply with the manifest discrepancy requirements of 40 CFR 264.72, 7-1-07 edition, and 40 CFR 265.72, 7-1-07 edition, as applicable.

(b) If the operator notes any manifest or shipping paper discrepancy between the type or quantity of waste received and the type or quantity of waste reported on the manifest, the operator shall first contact the generator and then the transporter if unable to resolve the discrepancy with the generator. If the discrepancy cannot be resolved after contacting the generator and the transporter, the operator shall send a discrepancy report to the department within 15 days after receiving the waste. The discrepancy report shall include a copy of the manifest or shipping paper and a letter describing the discrepancy and the attempts to reconcile it.

(c) The operator shall notify the department in writing of any discrepancies not previously corrected on the manifest. Such notice shall include a copy of the manifest or a reference to the generator name, date of shipment and manifest tracking number.

Env-Hw 703.03 Rail or Water Shipments. If a facility receives from a rail or bulk shipment water transporter, hazardous waste which is accompanied by a shipping document in accordance with Env-Hw 604.03, the operator, or the operator's agent, shall:

(a) Inspect the shipment and compare it with the description on the manifest or shipping paper;

(b) Note any discrepancies on the manifest or shipping paper on each copy in accordance with Env-Hw 703.02;

(c) Sign and date each copy of the manifest or shipping paper to certify that the hazardous waste covered by the manifest or shipping paper was received;

(d) Immediately give the rail or water transporter one copy of the manifest or shipping paper; and

(e) Within 15 days after the delivery, send a copy of the shipping paper and if the manifest is received, sign, date and return the manifest to the generator. If the manifest has not been received within 15 days after delivery, the operator, or operator's agent, shall sign, date and return the manifest to the generator upon receipt.

Env-Hw 703.04 International Shipments. Notwithstanding any other provisions of the hazardous waste rules, all facilities importing or exporting hazardous waste shall meet the requirements of 40 CFR 262 Subparts E and F, 7-1-07 edition, 40 CFR 264.71(a)(3), 7-1-07 edition, and 40 CFR 265.71(a)(3), 7-1-07 edition, as applicable.

Env-Hw 703.05 Unmanifested Waste Report.

(a) If a facility accepts for treatment, storage, or disposal any hazardous waste from an off-site source without an accompanying manifest, or shipping paper for water or rail shipments, the operator shall submit an unmanifested waste report to the department within 15 days of such acceptance, which contains the following information:

(1) The name, address and EPA identification number of the facility;

(2) The name, address and EPA identification number of the generator and transporter, if available;

(3) The date of receipt;

(4) For each unmanifested hazardous waste, its quantity and a description by type and source;

(5) For each unmanifested hazardous waste, the method of treatment, storage, or disposal;

(6) A full explanation of why the waste was unmanifested; and

(7) A certification signed by the operator or a responsible agent.

PART Env-Hw 704 REJECTED SHIPMENTS

Env-Hw 704.01 Rejected Shipments. If the operator rejects all or part of a hazardous waste shipment or identifies a container residue that exceeds the quantity limits for empty containers set forth in Env-Hw 401.03(h), the operator shall:

(a) Contact the generator;

(b) Comply with 40 CFR 264.72(d) through (j), 7-1-07 edition and 40 CFR 265.72(d) through (j), 7-1-07 edition, as applicable; and

(c) Send a copy of the new or amended manifest and the original manifest to the department within 30 days of the rejection.

Env-Hw 704.02 Entire Shipment Rejections.

(a) If a facility rejects an entire manifest shipment, the operator shall date and sign the manifest and check off the “Full Rejection” box in manifest item 18a and return the manifest to the transporter.

(b) The operator shall send a copy of the manifest that has been marked in accordance with (a), above, to the department within 5 days of shipment.

Env-Hw 704.03 Partial Shipment Rejections.

(a) The facility operator shall date and sign the original manifest in manifest item 20.

(b) The specific line items with the total amount of waste rejected shall be noted in manifest item 18a by the operator.

(c) The operator shall send a copy of the manifest to the department within 5 days of shipment.

Env-Hw 704.04 Untimely Rejections.

(a) If the transporter has already left the facility when the facility operator rejects the shipment, then the facility operator shall contact the generator and shall return the waste to either:

(1) The generator; or

(2) An alternate permitted facility designated by the generator.

(b) If the shipment is directed to an alternate facility pursuant to (a)(2), above, then:

(1) The operator shall write the alternate designated facility or generator name and EPA identification number in manifest item 19b; and

(2) The alternate facility receiving the shipment shall sign in manifest item 18c.

PART Env-Hw 705 RECORDKEEPING AND REPORTING

Env-Hw 705.01 Recordkeeping.

(a) The operator of a facility other than a transfer facility shall keep a written operating record at the facility as set forth in (b) through (d), below. The operator of a transfer facility shall keep a written operating record at the transfer facility as set forth in (b)(7) and (8), below, and maintain the operating record in accordance with (c) and (d), below.

(b) The following information shall be recorded by the operator as it becomes available:

(1) A copy of each shipping document and manifest for at least 3 years from the date of delivery;

(2) A description and the quantity of each hazardous waste shipment received, treated, stored, or disposed of at the facility, including:

a. The waste's common name;

b. If listed in Env-Hw 402 or a characteristic waste under Env-Hw 403, the waste's hazardous waste number or numbers;

c. The waste's physical form, such as liquid, sludge, solid, or contained gas;

d. If not listed in Env-Hw 402, the process that produced the waste;

e. The estimated or manifest-reported weight, or volume and density, where applicable, in one of the units of measure specified in 40 CFR 264 Appendix I, Table 1, 7-1-07 edition; and

f. The method(s) by handling code(s) as specified in 40 CFR 264 Appendix I, Table 2, 7-1-07 edition, and date(s) of receipt, treatment, storage, or disposal;

(3) A copy of each quarterly and annual activity report for 3 years;

(4) The method, location, and date of treatment, storage, and disposal;

(5) The location of each hazardous waste within the facility and the quantity at each location, including:

a. For disposal facilities, the location and quantity of each hazardous waste, recorded on a map or diagram of each cell or disposal area; and

b. For all facilities, cross-references to specific manifest tracking numbers, if the waste was accompanied by a manifest;

(6) Monitoring, testing and analytical data as required by Env-Hw 707 and Env-Hw 708, and for the post-closure care period for disposal facilities;

(7) An operating log that specifies:

a. The time and date of facility inspections;

b. The inspector's name;

c. Notation of observation;

d. Dates and nature of maintenance; and

e. Remedial actions taken;

(8) Records of all abnormal events, including:

a. Actions requiring contingency plan implementation;

b. Explanations of manifest discrepancies;

c. Description of unmanifested wastes received; and

d. Any unplanned releases of hazardous waste to the environment;

(9) Adjustments to plans submitted;

(10) Adjustments and calculations of closure and for disposal facilities, post-closure cost estimates prepared in accordance with Env-Hw 707.02(a)(11) or Env-Hw 708.02(a)(12);

(11) Records of the dates and designation of all hazardous wastes or those wastes rendered not hazardous that are shipped off-site for further treatment, storage, or disposal;

(12) For off-site facilities, notices to generators as required by Env-Hw 708.02(a)(1);

(13) Records of corrective action as required by Env-Hw 708.02(a)(11) and for disposal facilities, for the full post-closure period; and

(14) A certification by the permittee, no less often than annually, that the permittee has a program in place to reduce the volume and toxicity of hazardous waste generated by the permittee to the degree determined by the permittee to be economically practicable, and the proposed method of treatment, storage, or disposal is that practicable method currently available to the permittee which minimizes the present and future threat to human health and the environment.

(c) The information required by (b), above, shall be maintained in the operating record until closure of the facility, unless requirements specify they must be kept for a longer period of time.

(d) Any specified retention period shall be automatically extended during the course of any enforcement action.

Env-Hw 705.02 Quarterly Reporting.

(a) For the purposes of this section, "facility" means "facility" as defined in RSA 147-B:2, III, namely "any site, area or location where hazardous waste or hazardous materials are or have been treated, stored, generated, disposed of, or otherwise come to be located." For purposes of quarterly reporting, the term does not include hazardous waste transfer facilities.

(b) Any operator of a hazardous waste facility located in New Hampshire that receives hazardous waste from out-of-state for the purpose of treating, storing, or disposing of such waste shall pay a fee based on the quantity of said out-of-state wastes.

(c) Hazardous waste quarterly activity reports shall be mailed by the department. If a facility meets the criteria of (b), above, and has not received a quarterly activity report within 45 days following the last day of the previous quarter, the facility shall contact the department and the department shall send a new report.

(d) The reporting quarters shall be as follows:

(1) 1st Quarter - January 1 to March 31;

(2) 2nd Quarter - April 1 to June 30;

(3) 3rd Quarter - July 1 to September 30; and

(4) 4th Quarter - October 1 to December 31.

(e) Facility reports shall include the following information:

(1) Reporting quarter;

(2) Name, address, telephone number, and EPA identification number of the reporting facility;

(3) Weight in pounds of the hazardous waste received by the facility from out-of-state sources;

(4) The EPA/State waste number for each waste received by the facility from out-of-state sources;

(5) The amount of the fee payment due the state of New Hampshire; and

(6) Certification of the accuracy of the report by a responsible company official.

(f) The operator shall review quarterly reports for accuracy and correct any errors.

(g) The operator shall submit each quarterly activity report to the department, together with the fee due to the state of New Hampshire, within 30 days from receipt.

(h) A quarterly fee payment shall be made by the hazardous waste facility's operator.

(i) As authorized by RSA 147-B:8, III, the fee shall be $0.007 per kilogram, or $0.003 per pound, on hazardous wastes received by the facility from out-of-state sources during the reporting quarter.

(j) Fees paid by check or money order shall be made payable to "Treasurer, State of New Hampshire."

Env-Hw 705.03 Annual Reporting.

(a) An annual report which summarizes the facility's activities during the calendar year, January 1 through December 31, shall be submitted by the operator of any facility, other than a transfer facility, that generated, treated, stored, or disposed of hazardous waste at any time during the calendar year.

(b) Annual activity reports shall be mailed by the department by February 15. The operator shall complete, certify and return the forms to the department by April 1.

(c) Annual reports shall include the following information:

(1) Name, address, telephone number, and EPA identification number of the facility;

(2) The description and quantity of each hazardous waste received by the facility;

(3) The method of treatment, storage, or disposal for each hazardous waste;

(4) For interim status facilities, monitoring data required by Env-Hw 707.02(a)(10) and, for permitted facilities, monitoring data required by Env-Hw 708.02(a)(11);

(5) The most recent closure cost estimate and, for disposal facilities, post-closure cost estimates as required by Env-Hw 707.02(a)(11) and Env-Hw 708.02(a)(12);

(6) A signed certification of the accuracy of the report by the operator or responsible agent; and

(7) For off-site facilities, the following additional information:

a. The EPA identification number, or name and address in the case of foreign generators, of each hazardous waste generator from which the facility received hazardous waste during the year;

b. The description and quantity of each hazardous waste received from off-site, listed by each off-site source.

Env-Hw 705.04 Additional Reporting Requirements.

(a) The operator of a facility shall report in writing to the department any instances of non-compliance that threaten public health or the environment, any planned changes to the facility, and any

relevant facts that were not provided in the permit application of the facility.

(b) The operator shall comply with the reporting requirements of 40 CFR 264.74, 40 CFR 265.74, and 40 CFR 122.4(e), 7-1-07 edition, and with 40 CFR 264.77 and 40 CFR 265.77, 7-1-07 edition, including requirements for saving application records, certifying facility closure, and complying with land disposal data standards and other reporting and recordkeeping duties.

(c) The operator shall submit any additional reports, for example, monitoring data specified on the facility's permit.

(d) All reports required by permits shall be signed, and certified for accuracy, by a person described in 40 CFR 270.11, 7-1-07 edition.

PART Env-Hw 706 EMERGENCY ACTIONS; REMEDIAL ACTIONS

Env-Hw 706.01 Immediate Action After Any Discharge.

(a) The owner or operator shall report any discharge of hazardous waste or any discharge of a material which when discharged becomes a hazardous waste that poses a threat to human health or the environment into storm or sanitary sewers, onto the land or into the air, groundwater or surface waters:

(1) Immediately, not to exceed one hour from the discovery of the release, to local emergency officials; and

(2) Immediately, not to exceed one hour from the discovery of the release, to the department at (603) 271-3899, Monday through Friday, 8 a.m. to 4 p.m. or the New Hampshire department of safety at (603) 271-3636, 24 hours/day.

(b) The owner and operator shall comply with the emergency procedures as specified in 40 CFR 265.56, 7-1-01 edition.

Env-Hw 706.02 Discharge Cleanup.

(a) The owner and operator shall immediately contain and clean up, within 24 hours, any hazardous waste discharge or any discharge of a material which, when discharged, becomes a hazardous waste.

(b) If the hazardous waste discharge cannot be or is not cleaned up within 24 hours of the occurrence the owner or operator shall submit a clean-up plan to the department within 5 days of the discharge.

(c) The clean-up plan shall:

(1) Provide for the protection of human health and the environment;

(2) Provide for the removal and proper disposal of the contamination source;

(3) Provide for confirmatory analysis of the potentially affected media, for example, soil, groundwater, or surface water, to demonstrate the clean up is successful; and

(4) Include a time table for completion of the clean-up plan.

(d) The department shall review the proposed clean-up plan and approve it if the department determines that the plan meets the criteria set forth in (c), above.

(e) The owner and operator shall implement the clean-up plan as approved by the department pursuant to (d), above.

(f) Within 30 days of completion of the clean up, the generator shall submit a report to the department detailing the actions taken.

(g) If the complete clean up can not be accomplished in accordance with (b) through (f), above, the generator shall submit a scope of work proposal for site investigations pursuant to Env-Or 600 to evaluate the potential impacts of the release on soil and groundwater.

Env-Hw 706.03 Waiver of Manifest and Permit Requirements for Emergency Response.

(a) In the event of an accidental discharge during generation, transportation, treatment, storage, or disposal of a hazardous waste or material, the department shall, during the response to the event, waive any of the manifest and permit requirements if such waiver:

(1) Is necessary to facilitate a prompt response; and

(2) Will protect human health and the environment.

(b) A person shall not be required to obtain a permit for treatment or containment activities taken during immediate response to any of the following situations:

(1) An unplanned discharge of a hazardous waste;

(2) An imminent and substantial threat of a discharge of hazardous waste; or

(3) A discharge of a material which, when discharged, becomes a hazardous waste.

(c) Any person who continues or initiates hazardous waste treatment or containment activities after the emergency response is over shall be subject to all applicable permitting requirements for those activities.

PART Env-Hw 707 REQUIREMENTS FOR EXISTING FACILITIES

Env-Hw 707.01 General Requirements. In order to obtain and maintain interim status, as described under Env-Hw 304.02(e), the operator of an existing facility, except where exempted in Env-Hw 701.02, shall comply with the requirements of Env-Hw 707.

Env-Hw 707.02 Operation Requirements.

(a) Operators of existing facilities shall comply with the following operation requirements as set forth in the specified edition of 40 CFR 265:

(1) 40 CFR 265.12, 7-1-07 edition, Required notices;

(2) 40 CFR 265.13, 7-1-07 edition, General waste analysis;

(3) 40 CFR 265.14, 7-1-07 edition, Security;

(4) 40 CFR 265.15, 7-1-01 edition, General inspection requirements;

(5) 40 CFR 265.16, 7-1-01 edition, Personnel training;

(6) 40 CFR 265.17, 7-1-07 edition, General requirements for ignitable, reactive, or incompatible wastes, 40 CFR 265, including those listed in Appendix V;

(7) 40 CFR 265.19, 7-1-07 edition, Construction quality assurance program;

(8) 40 CFR 265, Subpart C Preparedness and prevention, 7-1-07 edition, except that for transfer facilities, aisle space requirements shall not apply to waste containers stored in a vehicle used to transport that waste;

(9) 40 CFR 265, Subpart D Contingency plan and emergency procedures, 7-1-01 edition;

(10) 40 CFR 265, Subpart F Groundwater monitoring, 7-1-01 edition;

(11) 40 CFR 265, Subpart G Closure and post-closure, 7-1-01 edition; and

(12) 40 CFR 265, Subpart H Financial requirements, 7-1-01 edition.

(b) In lieu of the negative assurance as required by 40 CFR 265.143(e)(3)(iii)(B), identified in (a)(12), above, the department shall accept a certified public accountant's (CPA) report describing the procedures performed and related findings, including whether or not there were discrepancies found in the comparison.

(c) The report described in (b), above shall be based on the procedures performed in accordance with the American Institute of Certified Public Accountants, Inc.'s "Statement on Auditing Standards Number 75, Engagements to Apply Agreed Upon Procedures to Specified Elements, Accounts or Items of a Financial Statement, published September 1995."

(d) The department shall regard the report described in (b), above, as satisfying the requirements of the financial test or corporate guarantee for a special report by an independent CPA on the CPA's report.

(e) The liability insurance required pursuant to 40 CFR 265.147(b)(1), identified in (a)(12), above, shall be as specified in 40 CFR 264.147(b)(1)(i) and (ii), 7-1-01 edition.

Env-Hw 707.03 Technical Requirements. Operators of existing facilities shall comply with the following technical requirements as set forth under 40 CFR 265, 7-1-99 edition:

(a) 40 CFR Part 265, Subpart I - Use and management of containers;

(b) 40 CFR Part 265, Subpart J - Tanks;

(c) 40 CFR Part 265, Subpart K - Surface impoundments;

(d) 40 CFR Part 265, Subpart L - Waste piles;

(e) 40 CFR Part 265, Subpart M - Land treatment;

(f) 40 CFR Part 265, Subpart N - Landfills;

(g) 40 CFR Part 265, Subpart O - Incinerators;

(h) 40 CFR Part 265, Subpart P - Thermal treatment;

(i) 40 CFR Part 265, Subpart Q - Chemical, physical, and biological treatment; and

(j) 40 CFR Part 265.1(d).

PART Env-Hw 708 REQUIREMENTS FOR FACILITIES WITH A STANDARD PERMIT AND/OR A TRANSFER FACILITY PERMIT

Env-Hw 708.01 General Operation Requirements. In order to maintain a standard permit or a transfer facility permit, the operator of a facility or transfer facility shall comply with the requirements and standards of Env-Hw 708.

Env-Hw 708.02 Operation Requirements.

(a) Operators of facilities shall comply with the following operation requirements as set forth in the specified edition of 40 CFR 264:

(1) 40 CFR 264.12, Required notices, 7-1-07 edition;

(2) 40 CFR 264.13, General waste analysis, 7-1-07 edition;

(3) 40 CFR 264.14, Security, 7-1-07 edition;

(4) 40 CFR 264.15, General inspection requirements, 7-1-01 edition;

(5) 40 CFR 264.16, Personnel training, 7-1-01 edition;

(6) 40 CFR 264.17, General requirements for ignitable, reactive, or incompatible wastes, 7-1-07 edition, including those listed in 40 CFR 264 Appendix V;

(7) 40 CFR 264.18, Location standards, 7-1-07 edition, except that the provisions of Env-Wm 353.09(b) shall be applied in lieu of all flood mitigation provisions set forth in said location standards;

(8) 40 CFR 264.19, Construction quality assurance program, 7-1-07 edition;

(9) 40 CFR 264, Subpart C, Preparedness and prevention, 7-1-07 edition, for transfer facilities, aisle space requirements shall not apply to waste containers stored on vehicles used to transport that waste;

(10) 40 CFR 264, Subpart D, Contingency plan and emergency procedures, 7-1-01 edition;

(11) 40 CFR 264, Subpart F, Releases from solid waste management units, 7-1-01 edition;

(12) 40 CFR 264, Subpart G, Closure and Post-Closure, 7-1-01 edition; and

(13) 40 CFR 264, Subpart H, Financial Requirements, 7-1-01 edition.

(b) Documents required by (a)(13), above, may be submitted in unsigned or signed form with the operator's standard permit or transfer facility permit application.

(c) If the documents required by (a)(13), above, are submitted unsigned with a permit application, the operator shall submit the documents described in (b), above, signed:

(1) Before a permit will be issued by the department for an existing facility; or

(2) For a new facility, at least 60 days before hazardous waste is first received at the facility.

(d) In lieu of the negative assurance required by 40 CFR 264.143(f)(iii)(B), identified in (a)(13), above, the department shall accept a certified public accountant's (CPA) report describing the procedures performed and related findings, including whether or not there were discrepancies found in the comparison, provided that the procedures were performed in accordance with the American Institute of Certified Public Accountants, Inc.'s "Statement on Auditing Standards Number 75, Engagements to Apply Agreed Upon Procedures to Specified Elements, Accounts or Items of a Financial Statement, published September 1995."

Env-Hw 708.03 Technical Requirements. The operator of a facility shall:

(a) Treat, store, or dispose of wastes according to best engineering judgment and with the best available technology;

(b) Design and operate the facility so as to minimize the quantity and impact of planned and non-planned releases of hazardous waste or waste constituents into the environment;

(c) Use the best available solution for managing the hazardous wastes received; and

(d) Comply with the following requirements and standards as set forth under 40 CFR Part 264, 7-1-99 edition:

(1) 40 CFR Part 264, Subpart I - Use and management of containers;

(2) 40 CFR Part 264, Subpart J - Tanks;

(3) 40 CFR Part 264, Subpart K - Surface impoundments;

(4) 40 CFR Part 264, Subpart L - Waste piles;

(5) 40 CFR Part 264, Subpart M - Land treatment;

(6) 40 CFR Part 264, Subpart N - Landfills;

(7) 40 CFR Part 264, Subpart O - Incinerators; and

(8) 40 CFR Part 264, Subpart X - Miscellaneous units.

PART Env-Hw 709 STANDARDS FOR THE MANAGEMENT OF SPECIFIC HAZARDOUS WASTES AND SPECIFIC TYPES OF HAZARDOUS WASTE MANAGEMENT FACILITIES

Env-Hw 709.01 Standards. Standards for specific hazardous wastes and facilities shall be as follows:

(a) Env-Hw 805 - Recyclable Materials Used in a Manner Constituting Disposal;

(b) Env-Hw 806 - Hazardous Waste Burned for Energy Recovery;

(c) Env-Hw 808 - Recyclable Materials Utilized for Precious Metal Recovery; and

(d) Env-Hw 809 - Spent Lead-Acid Batteries Being Reclaimed.

CHAPTER Env-Hw 800 REQUIREMENTS FOR RECYCLING OF HAZARDOUS WASTES

PART Env-Hw 801 PURPOSE AND DEFINITIONS

Env-Hw 801.01 Purpose. The purpose of Env-Hw 800 is to:

(a) Identify those materials that are to be recycled that are wastes and therefore subject to regulation under Env-Hw 804 through Env-Hw 810;

(b) Identify those materials that are to be recycled that are not wastes and therefore not subject to regulation under the hazardous waste rules; and

(c) Set forth requirements for the management of materials identified both as wastes and as hazardous wastes, that are to be recycled. Such materials shall be termed recyclable materials.

Env-Hw 801.02 Definitions. For the purposes of Env-Hw 800, the following definitions shall apply:

(a) The "act of marketing" means the transfer of used oil from one party to another, regardless of monetary considerations; that is, the party supplying the used oil is a “used oil marketer” even if no fee or charge is collected for the transfer;

(b) "Hazardous waste fuel" means hazardous waste that is burned for energy recovery. The term includes fuel produced from hazardous waste by processing, blending, or other treatment. The term does not include a gas recovered from hazardous waste management activities when the gas is burned for energy recovery. For the purposes of this paragraph, "gas" means material that is in the gaseous state;

(c) "Recyclable material" means a material that:

(1) Is a waste as defined in Env-Hw 104;

(2) Is identified as a hazardous waste in Env-Hw 400; and

(3) Is to be recycled as defined in (d), below;

(d) “Recyclable materials used for precious metal recovery” means recyclable materials that are reclaimed to recover economically significant amounts of gold, silver, platinum, palladium, iridium, osmium, rhodium, ruthenium, or any combination of these;

(e) "Recycled" means used, reused, or reclaimed; and

(f) "Used oil marketer" means any person who engages in the act of marketing unless exempted under Env-Hw 807.08(a)(2).

PART Env-Hw 802 APPLICABILITY AND EXEMPTIONS

Env-Hw 802.01 Applicability. Subject to Env-Hw 802.02, Env-Hw 800 shall apply to the following persons who manage recyclable materials, as defined in Env-Hw 801.02(a):

(a) Generators;

(b) Transporters;

(c) Owners and operators of facilities that store recyclable materials before they are recycled, including those facilities that also recycle the materials; and

(d) Owners and operators of facilities that recycle recyclable materials without storing the materials.

Env-Hw 802.02 Exemptions.

(a) The following materials shall not be subject to regulation under the hazardous waste rules:

(1) Industrial ethyl alcohol that is reclaimed, except that:

a. A person initiating a shipment for reclamation in a foreign country and any intermediary arranging for shipment shall:

1. Comply with the requirements applicable to a primary exporter in 40 CFR 262.53, 40 CFR 262.56(a)(1)-(4), 40 CFR 262.56(a)(6), 40 CFR 262.56(b) and 40 CFR 262.57, 7-1-07 edition;

2. Export such materials only upon consent of the receiving country and in conformance with the EPA acknowledgment of consent as defined in Env-Hw 103; and

3. Provide the transporter with a copy of the EPA acknowledgment of consent for the shipment; and

b. Transporters transporting a shipment for export shall:

1. Not accept a shipment if he/she knows the shipment does not conform to the EPA

acknowledgment of consent;

2. Ensure that a copy of the EPA acknowledgment of consent accompanies the shipment; and

3. Ensure that the EPA acknowledgment of consent is delivered to the facility designated by the person initiating the shipment;

(2) Scrap metal being recycled that is not otherwise exempted under Env-Hw 401.03(a)(9);

(3) Fuels produced from the refining of oil-bearing hazardous wastes along with normal process streams at a petroleum refining facility if such wastes result from normal petroleum refining, production, and transportation practices;

(4) Oil reclaimed from hazardous waste resulting from normal petroleum refining, production, and transportation practices, which oil is to be refined along with normal process streams at a petroleum refining facility;

(5) Coke and coal tar from the iron and steel industry that contains EPA hazardous waste number K087 from the iron and steel production process;

(6) Shredded circuit boards being recycled provided they meet the conditions of Env-Hw 401.03(a)(10); and

(7) Mercury-containing dental amalgam waste generated by small quantity generators provided the waste is being recycled.

(b) The recycling process itself shall not be subject to regulation under the hazardous waste rules.

PART Env-Hw 803 CLASSIFICATION OF MATERIALS BEING RECYCLED

Env-Hw 803.01 Purpose. The purpose of Env-Hw 803, regarding the identification of materials as wastes, is to establish the equivalent of the rules set forth under 40 CFR 261.2(c) through (e), 7-1-99 edition, in New Hampshire rules.

Env-Hw 803.02 Categorization. Materials that are to be recycled, as defined in Env-Hw 801.02(e), shall be classified as follows:

(a) Materials that are wastes when recycled, as identified in Env-Hw 803.03, and therefore subject to regulation as recyclable materials under Env-Hw 804 through Env-Hw 810; and

(b) Materials that are not wastes when recycled, as identified in Env-Hw 803.04, and therefore not subject to regulation under the hazardous waste rules.

Env-Hw 803.03 Materials that are Wastes When Recycled.

(a) A material shall be deemed to be a waste when it is recycled, or accumulated, stored, or treated before recycling, by being:

(1) Used in a manner constituting disposal such that it is:

a. Applied to or placed on the land either without mixing or after mixing with any other substances; or

b. Used to produce products that are applied to or placed on the land or is otherwise contained in products that are applied to or placed on the land, in which cases the product itself shall remain a waste, unless it is a commercial chemical product listed in Env-Hw 402.04 and Env-Hw 402.05 being applied to the land in its ordinary manner of use;

(2) Burned for energy recovery such that it is:

a. Burned to recover energy; or

b. Used to produce a fuel or is otherwise contained in fuels, in which case the fuel itself shall remain a waste;

(3) Reclaimed, except those recycled materials identified in Env-Hw 803.04(b); or

(4) Accumulated speculatively, as determined in Env-Hw 811, except for the recycled materials identified in Env-Hw 803.04(c).

(b) The following recycled materials shall be deemed to be wastes, even if the recycling involves use, reuse, or return to the original process, as described under Env-Hw 803.04(a):

(1) Materials used in a manner constituting disposal, or used to produce products that are applied to the land;

(2) Materials burned for energy recovery, used to produce a fuel, or contained in fuels;

(3) Materials accumulated speculatively;

(4) Inherently waste-like material as defined in Env-Hw 103; or

(5) Materials classified by the commissioner or designee as inherently waste-like using the following criteria:

a. The materials are ordinarily disposed of, burned, or incinerated, or the materials contain toxic constituents listed in 40 CFR 261 Appendix VIII, 7-1-07 edition, and these constituents are not ordinarily found in raw materials or products for which the materials substitute, or are found in raw materials or products in smaller concentrations, and are not used or reused during the recycling process; and

b. The materials pose a hazard to human health and the environment when recycled.

(c) Notwithstanding (a)(2)b., above, a commercial chemical product is not a waste if it is itself a fuel.

Env-Hw 803.04 Materials that are Not Wastes When Recycled.

(a) Except as set forth in Env-Wm 803.03(b), a material shall not be deemed to be a waste when it

can be shown to be recycled by being:

(1) Used or reused as an ingredient in an industrial process to make a product, provided the material is not being reclaimed;

(2) Used or reused as an effective substitute for commercial products, provided the material is not being reclaimed; or

(3) Returned to the original process from which it is generated, without first being reclaimed, if such non-waste material shall be returned as a substitute for raw material feedstock, and the process shall use raw materials as principal feedstocks.

(b) The following materials shall not be deemed to be wastes when recycled by being reclaimed:

(1) Sludges, as defined in Env-Hw 104, which are deemed to be hazardous solely because they exhibit one or more of the characteristics of hazardous waste set forth in Env-Hw 403;

(2) By-products, as defined in Env-Hw 103, which are deemed to be hazardous solely because they exhibit one or more of the characteristics of hazardous waste set forth in Env-Hw 403;

(3) Commercial chemical products listed in Env-Hw 402.04 or Env-Hw 402.05; and

(4) Commercial chemical products not listed in Env-Hw 402.04 or Env-Hw 402.05 which are deemed to be hazardous solely because they exhibit one or more of the characteristics of hazardous waste set forth in Env-Hw 403 except when they are recycled in ways that differ from their normal manner of use.

(c) The following materials shall not be deemed to be wastes when they are accumulated speculatively, as determined in Env-Hw 811:

(1) Commercial chemical products listed in Env-Hw 402.04 or Env-Hw 402.05; and

(2) Commercial chemical products not listed in Env-Hw 402.04 or Env-Hw 402.05 which are deemed to be hazardous solely because they exhibit one or more of the characteristics of hazardous waste set forth in Env-Hw 403 except when they are recycled in ways that differ from their normal manner of use.

Env-Hw 803.05 Documentation of Claims that Materials are Not Wastes or are Exempt from Regulation. Persons who claim that a certain recycled material is not a waste under the hazardous waste rules or is exempt from regulation under the hazardous waste rules shall:

(a) Provide documentation, such as a letter from the recycler, to demonstrate to the commissioner that there is a known market or disposition for the material;

(b) Provide documentation, such as a written explanation of the physical and chemical properties of the material and of the recycling process, to demonstrate to the commissioner that the material and the process meet the criteria of the exemption;

(c) Provide appropriate documentation, such as contracts showing that a second person uses the material as an ingredient in a production process, to demonstrate that the material is not a waste or is

exempt from regulation; and

(d) For owners or operators of facilities claiming that they actually are recycling materials, show that they have the necessary equipment to do so.

PART Env-Hw 804 REQUIREMENTS FOR MANAGEMENT OF RECYCLABLE MATERIALS

Env-Hw 804.01 Requirements.

(a) Recyclable materials, as defined in Env-Hw 801.02(a), except where specifically exempted under Env-Hw 802.02, shall be managed as set forth in Env-Hw 804.

(b) Except as set forth in Env-Hw 804.02, persons managing recyclable materials shall comply with the following requirements:

(1) Generators of recyclable materials shall be subject to the requirements of Env-Hw 500;

(2) Transporters of recyclable materials shall be subject to the requirements of Env-Hw 600;

(3) Owner and operators of facilities that store recyclable materials before they are recycled, including those facilities that also recycle the materials, shall be subject to the requirements of Env-Hw 300 and Env-Hw 700; and

(4) Owners and operators of facilities that recycle recyclable materials without storing the materials before they are recycled shall be subject to the following:

a. Notification requirements as set forth in Env-Hw 702; and

b. Manifest requirements as set forth in Env-Hw 703.

Env-Hw 804.02 Requirements for Management of Specific Recyclable Materials.

(a) Generators, transporters, and owners and operators of facilities that store recyclable materials before they are recycled, who manage the recyclable materials specified in (b) through (f), below, shall not be subject to the requirements of Env-Hw 804.01(b), above, but instead shall be subject to Env-Hw 805 through Env-Hw 809, respectively.

(b) Recyclable materials used in a manner constituting disposal shall be managed in accordance with Env-Hw 805.

(c) Hazardous wastes burned for energy recovery in boilers and industrial furnaces that are not regulated under Env-Hw 707 or Env-Hw 708 shall be managed in accordance with Env-Hw 806.

(d) Used oil being recycled shall be managed in accordance with Env-Hw 807.

(e) Recyclable materials used for precious metal recovery shall be managed in accordance with Env-Hw 808.01 through Env-Hw 808.03, unless excluded pursuant to Env-Hw 808.04 or Env-Hw 808.05.

(f) Spent lead-acid batteries that are being reclaimed shall be managed in accordance with Env-Hw 809 or Env-Hw 1100.

PART Env-Hw 805 RECYCLABLE MATERIALS USED IN A MANNER CONSTITUTING DISPOSAL

Env-Hw 805.01 Requirements.

(a) Recyclable materials used in a manner constituting disposal as defined in Env-Hw 803.03 shall be subject to the requirements set forth in Env-Hw 805.

(b) Generators and transporters of recyclable materials that are used in a manner that constitutes disposal shall be subject to the applicable requirements of Env-Hw 300, Env-Hw 500 and Env-Hw 600.

(c) Owners and operators of facilities, except for generator facilities that store hazardous waste in accordance with Env-Hw 500, that store recyclable materials that are to be used in a manner that constitutes disposal for greater than 90 days, but who are not the ultimate users of the materials, shall be subject to the requirements of Env-Hw 300 and Env-Hw 700.

(d) Owners and operators of facilities that use recyclable materials in a manner that constitutes disposal, except products that are exempted from regulation under 40 CFR 266.20(b), 7-1-99 edition, shall be subject to the requirements of Env-Hw 300 and Env-Hw 700.

(e) The following materials shall not be used for dust suppression or road treatment:

(1) Discarded oil or other material which is contaminated with dioxin;

(2) Any used oil as defined in Env-Hw 104; and

(3) Any hazardous waste or any material contaminated with hazardous waste.

PART Env-Hw 806 HAZARDOUS WASTE BURNED FOR ENERGY RECOVERY

Env-Hw 806.01 Applicability.

(a) Hazardous waste burned for energy recovery shall be subject to the requirements of Env-Hw 806.

(b) The rules of this section shall apply to hazardous waste fuels, as defined in Env-Hw 806.01(c), that are burned for energy recovery in any boiler or industrial furnace that is not regulated under Env-Hw 707 or Env-Hw 708.

Env-Hw 806.02 Generator Requirements.

(a) Persons who generate hazardous waste that is used as a fuel or is used to produce a fuel shall be subject to the requirements set forth in Env-Hw 500.

(b) Generators who market hazardous waste fuel to a burner shall also be subject to the requirements of Env-Hw 806.04.

(c) Generators who burn hazardous waste fuel shall also be subject to the requirements of Env-Hw

806.05.

Env-Hw 806.03 Transporter Requirements. Transporters of hazardous waste fuel and of hazardous waste that is used to produce a fuel shall be subject to regulation under Env-Hw 600.

Env-Hw 806.04 Hazardous Waste Fuel Marketer Requirements.

(a) "Hazardous waste fuel marketers (HWF Marketers)" means:

(1) Generators who market hazardous waste fuel directly to a burner;

(2) Persons who receive hazardous waste from generators and produce, process, or blend hazardous waste fuel from these hazardous wastes; and

(3) Persons who distribute but do not process or blend hazardous waste fuel.

(b) HWF marketers shall be subject to the following requirements:

(1) The notification requirements of Env-Hw 702;

(2) The permitting requirements of Env-Hw 300, if applicable, and the accumulation and storage requirements set forth in Env-Hw 500 and Env-Hw 700; and

(3) The requirements set forth in Env-Hw 500 when a HWF marketer initiates a shipment of hazardous waste fuel.

(c) Even if a HWF marketer has previously notified EPA or the department of hazardous waste management activities and obtained an EPA identification number, the HWF marketer shall re-notify to specifically identify hazardous waste fuel activities.

(d) Before a HWF marketer initiates the first shipment of hazardous waste fuel to a burner or another HWF marketer, the HWF marketer shall obtain a one-time written and signed notice from the recipient certifying that:

(1) The recipient of the fuel has notified the department to identify the recipient's waste-as-fuel activities; and

(2) If the recipient is a hazardous waste fuel burner, as defined in Env-Hw 806.05(a), the recipient will burn the hazardous waste fuel only in an industrial furnace or boiler identified in Env-Hw 806.05(e).

(e) A person shall market hazardous waste fuel only:

(1) To persons who have notified the department of their hazardous waste fuel activities and have an EPA identification number; and

(2) If the fuel is burned, to persons who burn the fuel in boilers or industrial furnaces identified in Env-Hw 806.05(e).

(f) Before accepting the first shipment of hazardous waste fuel from another HWF marketer, the receiving HWF marketer shall provide the shipping HWF marketer with a one-time written and signed

certification that the receiving HWF marketer has notified the department as specified in Env-Hw 806.04(b)(1) and Env-Hw 806.04(c) to identify hazardous waste fuel activities.

(g) In addition to the applicable recordkeeping requirements of Env-Hw 500 and Env-Hw 700, the HWF marketer shall keep, for 7 years from the date the HWF marketer last engages in a hazardous waste fuel marketing transaction with the person who sends or receives the certification notice, a copy of each certification notice the HWF marketer receives or sends.

Env-Hw 806.05 Hazardous Waste Fuel Burner Requirements.

(a) "Hazardous Waste Fuel Burner (HWF Burner)" means any owner or operator of an industrial furnace or boiler identified in (f), below, that burns hazardous waste fuel.

(b) HWF burners shall:

(1) Notify the department of their hazardous waste fuel activities; and

(2) Comply with the following storage requirements:

a. For accumulation for less than 90 days by generators who burn their hazardous waste fuel on site, the accumulation and storage requirements as set forth in Env-Hw 500;

b. For existing storage facilities, the applicable provisions of Env-Hw 300 and Env-Hw 700; and

c. For new storage facilities, the applicable provisions of Env-Hw 300 and Env-Hw 700.

(c) Even if the HWF burner has previously notified EPA or the department of hazardous waste management activities and obtained an EPA identification number, the HWF burner shall renotify to specifically identify hazardous waste fuel activities. Owners and operators of facilities who intend to burn hazardous waste fuel shall also obtain any required permits relating to control of air emissions from the department under RSA 125-C prior to burning such fuels.

(d) Before accepting the first shipment of hazardous waste fuel from a HWF marketer, the HWF burner shall provide the marketer a one-time written and signed notice certifying that:

(1) The HWF burner has notified the department of the burner's waste-as-fuel activities; and

(2) The HWF burner will burn the fuel only in a boiler or furnace as identified in (f), below.

(e) In addition to the applicable recordkeeping requirements of Env-Hw 500 and Env-Hw 700, a HWF burner shall keep, for 7 years from the date the burner last receives hazardous waste fuel from that marketer, a copy of each certification notice that the burner sends to a marketer.

(f) Hazardous waste fuel shall be burned for energy recovery in only the following devices:

(1) Industrial furnaces as defined in Env-Hw 103; or

(2) Boilers, as defined in Env-Hw 103, that are identified as follows:

a. Industrial boilers located on the site of a facility engaged in a manufacturing process

where substances are transformed into new products, including the component parts of products, by mechanical or chemical processes; or

b. Utility boilers used to produce electric power, steam, or heated or cooled air or other gases or fluids for sale.

(g) No fuel which contains any hazardous waste shall be burned in any cement kiln which is located within the boundaries of any incorporated municipality with a population greater than 500,000, based on the most recent federal census statistics, unless such kiln fully complies with Env-Hw 707.03(g) and Env-Hw 708.03(d)(7) as applicable to incinerators.

PART Env-Hw 807 REQUIREMENTS FOR MANAGEMENT OF USED OIL BEING RECYCLED

Env-Hw 807.01 Applicability, Exemptions, and Prohibitions.

(a) Env-Hw 807 shall apply to all persons who generate, transport, collect and/or market used oil destined to be recycled by being burned for energy recovery or rerefined, and all persons who burn used oil fuel for energy recovery in accordance with Env-Hw 807.10, except where specifically exempted under Env-Hw 807.01(b).

(b) Persons generating used oil as a household waste shall be exempted from complying with the requirements of Env-Hw 807.

(c) Recycling of used oil shall be subject to the following prohibitions:

(1) Used oil, as defined in Env-Hw 104, shall not be applied to roads or other land areas for the purpose of dust suppression or any other reason. Use of used oil for such purposes shall be deemed to be disposal of hazardous waste;

(2) Off-specification used oil, as defined in Env-Hw 807.03(b) shall not be used as an automotive undercoating; and

(3) Used oil shall not be mixed with any other waste identified as a hazardous waste under Env-Hw 400, unless it is being purposely blended with hazardous waste in order to formulate a hazardous waste fuel to be burned pursuant to Env-Hw 806.

Env-Hw 807.02 Specification Used Oil. Used oil, as defined in Env-Hw 104, shall be classified as specification used oil if:

(a) The oil has not been mixed with hazardous waste; and

(b) The oil meets all of the standards in Table 8.1 below and does not otherwise exhibit any of the hazardous waste characteristics specified in Env-Hw 403:

Table 8.1 Specification Used Oil Standards

Constituent/Property	Allowable Level (parts per million, dry weight basis)
Arsenic	5 parts per million maximum
Cadmium	2 parts per million maximum

Chromium	10 parts per million maximum
Lead	100 parts per million maximum
Flash point	100 degrees Fahrenheit minimum
Polychlorinated biphenyls (PCBs)	less than 2 parts per million
Total Halogens	1,000 parts per million maximum

Env-Hw 807.03 Off-specification Used Oil.

(a) Used oil, as defined in Env-Hw 104, shall be classified as off-specification used oil if:

(1) The oil does not meet the standards for specification used oil outlined in Env-Hw 807.02;

(2) The oil has not been mixed with hazardous waste; and

(3) The oil meets all of the standards in Table 8.2 below and does not otherwise exhibit any of the hazardous waste characteristics specified in Env-Hw 403:

Table 8.2 Off-Specification Used Oil Standards

Constituent/Property	Allowable Level (parts per million, dry weight basis)
Arsenic	18 parts per million maximum
Cadmium	10 parts per million maximum
Chromium	35 parts per million maximum
Lead	1,000 parts per million maximum
Flash Point	100 degrees Fahrenheit minimum

(b) Used oil containing polychlorinated biphenyls (PCBs) at concentrations greater than or equal to 2 parts per million shall be classified as off-specification used oil, and shall be subject to all requirements governing the management of off-specification used oil in Env-Hw 807. Used oil containing PCBs shall also be subject to regulation under the Toxic Substances Control Act and its rules codified under 40 CFR Part 761, 7-1-07 edition.

Env-Hw 807.04 Used Oil Classified as Hazardous Waste.

(a) Used oil shall be classified as hazardous waste and shall be managed in accordance with the hazardous waste rules if it:

(1) Has been mixed with hazardous waste;

(2) Exhibits a hazardous waste characteristic as set forth in Env-Hw 403, except as provided for in Env-Hw 807.02 or Env-Hw 807.03; or

(3) Does not meet the standards for off-specification used oil specified in Env-Hw 807.03.

(b) Used oil classified as a hazardous waste pursuant to this section which is burned for energy recovery shall be managed as a hazardous waste fuel in accordance with Env-Hw 806.

(c) Used oil containing more than 1,000 parts per million of total halogens shall be presumed by the department to be a hazardous waste on the basis that it has been mixed with halogenated hazardous

waste listed in Env-Hw 400. Persons may rebut this presumption by providing conclusive information that the used oil has not been mixed with hazardous halogenated waste listed in Env-Hw 400.

(d) Used oil which is determined to be a hazardous waste under Env-Hw 807.04 shall not be blended to meet the standards outlined in Env-Hw 807.02 or Env-Hw 807.03.

Env-Hw 807.05 Sampling and Analytical Methods. Sampling and analysis of used oil shall be conducted in accordance with the sampling and analytical procedures identified in Env-Hw 401.04.

Env-Hw 807.06 Standards for Generators of Used Oil being Recycled.

(a) This section shall apply to:

(1) All persons who generate used oil which is destined to be burned for energy recovery or rerefined; and

(2) All persons, including municipalities, that collect used oil generated as a household waste as described in (b)(9), below.

(b) Generators storing used oil on-site shall comply with the following requirements:

(1) Used oil shall be stored in containers which meet the U.S. DOT container specifications under 49 CFR 173, 10-1-07 edition, or in a structurally sound tank;

(2) Above ground tanks shall meet all applicable local ordinances and state laws pertaining to storage of petroleum products, including Saf-C 6009 and Saf-C 6012, State Fire Code;

(3) New and existing underground storage tanks shall be designed and operated in compliance with Env-Wm 1401 or successor rules in subtitle Env-Or, except that the exemption for tanks with a capacity less than 110 gallons shall not apply;

(4) Used oil containers and tanks shall be clearly labeled with the words "Used Oil for Recycle" at all times during accumulation and storage;

(5) Generators shall ensure that containers or tanks are closed at all times, except when used oil is being added to or removed from the container or tank;

(6) All tanks and containers shall be maintained and operated so as to prevent spillage, seepage, or other discharge of used oil into storm or sanitary sewers, onto the land, or into ground or surface waters;

(7) Subject to (b)(9), below, generators shall conduct an initial used oil determination on their used oil by analyzing it for all of the parameters specified in Env-Hw 807.02 and Env-Hw 807.03, except that generators may omit the analysis for polychlorinated biphenyls (PCBs) if no sources of PCBs are present in the process generating the used oil;

(8) The analysis shall be repeated whenever the process generating the used oil changes, or the oil has been mixed with other materials. In cases where used oils from two or more different sources are collected in one container or tank in proportions which vary over time, the generator shall conduct analyses with sufficient frequency to ensure that the oil is correctly classified before being offered for transport;

(9) Municipalities that collect used oil generated as a household waste and generators of used oils that are comprised solely of used automotive oils may omit the initial used oil determination required by (b)(7) and (8), above, if the municipality or generator ensures that the oil is not mixed with any other types of oil or wastes. For the purposes of this exemption, automotive oil means motor, engine, and gear oils, and transmission and brake fluids;

(10) Generators shall not mix used oil with any other hazardous waste;

(11) Generators shall deliver used oil to a facility authorized to accept used oil, or burn the used oil on-site in accordance with Env-Hw 807.10;

(12) Subject to (b)(14), below, used oil shall be transported by duly registered hazardous waste transporters only, using a 3 copy bill of lading containing the information outlined in (b)(13) , below;

(13) Bills of lading shall include the following information:

a. A shipment number unique to each shipment;

b. The name and site address of the generator/shipper, transporter/carrier, and receiving facility/consignee;

c. The EPA identification numbers of the shipper, if the shipper is required by Env-Hw 504 to have a number, the transporter, and the receiving facility;

d. The quantity of used oil to be delivered;

e. The date(s) of shipment and delivery; and

f. The following statement signed by the generator: "This used oil is destined to be recycled and is subject to regulation by the New Hampshire department of environmental services under Env-Hw 807. I certify that this used oil is not a hazardous waste fuel as defined in Env-Hw 807.04 and that I have not mixed this used oil with any other hazardous wastes identified in Env-Hw 400 or any used oil classified as hazardous waste fuel under Env-Hw 807.04";

(14) If used oil is being shipped to another state that regulates used oil as a hazardous waste, a hazardous waste manifest may be used in lieu of a bill of lading;

(15) Generators who market their used oil directly to a burner shall comply with Env-Hw 807.09;

(16) Generators who burn their own used oil shall comply with Env-Hw 807.10; and

(17) Generators shall maintain on file copies of all bills of lading or used oil analyses for three years from the date of shipment or analysis.

Env-Hw 807.07 Standards for Transporters of Used Oil Being Recycled.

(a) Transporters of used oil being recycled shall be subject to all of the requirements for

hazardous waste transporters under Env-Hw 600, except that generators transporting up to 110 gallons at a time of their own used oil shall be exempt from complying with Env-Hw 600. Generators transporting their own oil shall comply with (b) and (c), below.

(b) A bill of lading shall be used for transportation of used oil in accordance with Env-Hw 807.06(b)(13) in lieu of the uniform hazardous waste manifest required by Env-Hw 604, except in cases where used oil is being shipped to another state or jurisdiction that regulates used oil as a hazardous waste and requires the use of a hazardous waste manifest.

(c) A transporter shall keep a copy of the bill of lading for each shipment on file for 3 years from the date of shipment. The 3 year record retention period shall be extended during the course of any enforcement action until such action has been resolved.

(d) An annual used oil activity report, which summarizes a transporter's used oil transportation activity during the calendar year, January 1-December 31, shall be submitted by any registered transporter who transported used oil pursuant to this section in that calendar year.

(e) The report shall include the following information on a form provided by the department:

(1) The name, New Hampshire transporter registration number, and EPA identification number of the transporter;

(2) The reporting year; and

(3) The total amount of used oil which has been transported within the reporting year, including:

a. The total amount of specification used oil; and

b. The total amount of off-specification used oil.

(f) A responsible company official shall attest in writing to the accuracy of the report.

(g) The report shall be submitted to the department by March 1 of the year immediately following the report year.

Env-Hw 807.08 Identification of Marketers of Used Oil Being Recycled.

(a) Used oil marketers shall be identified in accordance with the following:

(1) The following persons shall be deemed to be used oil marketers:

a. Generators who market their used oil directly to a burner;

b. Persons who receive used oil from generators and produce, process, or blend used oil fuel from the used oils received, including persons sending blended or processed used oil to brokers or other intermediaries; and

c. Persons, including transporters who take ownership of the oil they collect, who distribute but do not process or blend used oil.

(2) Subject to (b), below, the following persons shall not be classified as used oil marketers unless they transfer their used oil directly to a person who burns it for energy recovery:

a. Used oil generators; and

b. Transporters who transport used oil received only from generators.

(b) Persons who burn some used oil fuel for the purposes of processing or other treatment to produce used oil fuel for marketing shall be considered to be burning incidentally to processing. Generators, and transporters who collect used oil only from generators, who transfer used oil to such incidental burners shall not be marketers and shall not be subject to Env-Hw 807.09.

Env-Hw 807.09 Standards for Marketers of Used Oil Being Recycled.

(a) This section shall apply to all used oil marketers as defined in Env-Hw 807.08.

(b) Used oil marketers shall comply with the following requirements:

(1) Used oil marketers shall notify the department of the location and general description of their used oil management activities, using a notification form provided by the department as set forth in Env-Hw 504 and Env-Hw 702;

(2) Even if a used oil marketer has previously notified the department or EPA of hazardous waste management activities pursuant to Env-Hw 504 or Env-Hw 702 and obtained an EPA identification number, the marketer shall renotify to specifically identify the used oil management activities;

(3) Marketers shall perform sampling and analyses, in accordance with Env-Hw 807.05, for the parameters specified in Env-Hw 807.02 and Env-Hw 807.03 on used oil being marketed;

(4) A unique number or code shall be assigned to each batch of used oil tested. The number or code shall be recorded on the corresponding analytical reports and on the bill(s) of lading or hazardous waste manifest(s) documenting shipment(s) of that batch;

(5) If a previously tested batch is subsequently mixed with more used oil, a new number or code shall be assigned to the batch and testing shall be repeated prior to marketing;

(6) Marketers may market specification or off-specification used oil subject to the following restrictions:

a. Off-specification used oil shall be marketed only to rerefiners or to owners and operators of burning devices identified in Env-Hw 807.10(b)(4), or to other marketers; and

b. Specification used oil shall be marketed only to rerefiners or to owners and operators of burning devices identified in Env-Hw 807.10(b)(5), or to other marketers;

(7) When initiating a shipment of used oil, a marketer shall use a 3 copy bill of lading as described in Env-Hw 807.06(b)(13);

(8) In addition to the information required under Env-Hw 807.06(b)(13), the marketer shall

indicate the batch code or number corresponding to the batch being shipped and whether the oil is specification or off-specification used oil;

(9) A copy of the analytical report shall accompany the bill of lading;

(10) The marketer, transporter, and the receiving facility shall each receive and maintain on file a copy of the bill of lading;

(11) The following notices shall be required:

a. Before initiating the first shipment of used oil to a burner, rerefiner, or other marketer, the marketer shall obtain a one-time written and signed notice from the recipient certifying that:

1. The recipient of the used oil has notified the department of the recipient's used oil management activities; and

2. If the recipient is a burner, the recipient will burn the used oil only in a device allowed under Env-Hw 807.10; and

b. Before accepting the first shipment of used oil from another marketer subject to the requirements of this section, the receiving marketer shall provide the shipping marketer with a one-time written and signed notice certifying that the receiving marketer has notified the department of the receiving marketer's used oil management activities;

(12) A marketer shall keep the following records on file:

a. A copy of each certification notice that the marketer receives or sends for 3 years from the date the marketer last engages in a used oil marketing transaction with the person who sends or receives the certification notice;

b. Copies of all used oil analysis reports for 3 years from the date that the oil is marketed to another marketer, rerefiner, or burner;

c. A copy of each bill of lading for 3 years from the date of shipment; and

d. An operating log, with the following information regarding each shipment of used oil fuel, for 3 years from the date of shipment:

1. The name and address of the facility receiving the shipment;

2. The quantity of used oil fuel delivered;

3. The date of shipment or delivery; and

4. A cross-reference to the record of the used oil analysis, including the batch code or number; and

(13) The 3 year record retention period specified in (b)(12), above, shall be extended during the course of any enforcement action until such action has been resolved.

Env-Hw 807.10 Standards for Burners of Used Oil Fuel.

(a) For the purpose of this section, "Used oil fuel burner (UOF Burner)" means any owner or operator of an industrial furnace, boiler, or space heater identified in (b)(4) - (6), below, that burns used oil fuel.

(b) UOF burners shall comply with the following standards:

(1) UOF burners shall notify the department of their used oil management activities using a form provided by the department as set forth in Env-Hw 504 and Env-Hw 702;

(2) Even if a UOF burner has previously notified the department or EPA of the burner's hazardous waste management activities pursuant to Env-Hw 504 or Env-Hw 702 and obtained an EPA identification number, the burner shall renotify to identify the used oil management activities;

(3) Owners and operators of facilities who intend to burn used oil fuel shall also notify the department's air resources division to secure any required permits prior to burning such fuels;

(4) Off-specification used oil fuel shall be burned only in the following devices:

a. Industrial furnaces as defined in Env-Hw 103; or

b. Boilers, as defined in Env-Hw 103, that are identified as follows:

1. Industrial boilers possessing a heating capacity in excess of 10 million Btu per hour and located on the site of a facility engaged in a manufacturing process where substances are transformed into new products, including the component parts of products, by mechanical or chemical processes; or

2. Utility boilers used to produce electric power, steam, or heated or cooled air or other gases or fluids for sale;

c. Used oil fired space heaters, provided that:

1. The heater is designed to have a maximum capacity of not more than 0.5 million Btu per hour;

2. Combustion gases from the heater are vented to the outside ambient air; and

3. The burner burns only used oil that is generated on site;

(5) Specification used oil fuel shall be burned only in the following devices:

a. Oil furnaces and boilers, except those located at private residences, hotels, motels, apartment buildings, and residential institutions including hospitals, residential treatment facilities, and retirement homes; or

b. Used oil fired space heaters, provided that the heater is designed to have a maximum capacity of not more than 0.5 million Btu per hour, and combustion gases from the heater are vented to the outside ambient air;

(6) Used oils containing greater than or equal to 2 parts per million (ppm) PCBs shall be burned only in units allowed under 40 CFR 761.60, 7-1-07 edition, pursuant to the Toxic Substances Control Act;

(7) UOF burners shall perform analyses of the oil for the parameters outlined in Env-Hw 807.02 and Env-Hw 807.03, unless:

a. The UOF burner has received the used oil fuel from a UOF marketer that has tested the batch in question and has provided a copy of the analytical report for same to the burner;

b. The UOF burner is burning only used automotive oil that is generated on-site; or

c. The UOF burner is burning only used oil collected from persons generating the oil as a household waste;

(8) Before accepting the first shipment of off-specification used oil fuel from a marketer, the UOF burner shall provide the marketer a one-time written and signed notice certifying that:

a. The burner has notified the department of the location and general description of the burner's used oil management activities; and

b. The burner will burn the used oil only in a device specified under this section;

(9) A UOF burner shall keep the following records on file:

a. A copy of each certification notice that the burner sends to a marketer for 3 years from the date the burner last receives used oil fuel from that marketer;

b. Copies of all used fuel analysis reports for 3 years from the date that the oil is received at the burner's facility; and

c. A copy of each bill of lading for 3 years from the date that the oil is received at the burner's facility; and

(10) The 3 year record retention period specified in Env-Hw 807.10(b)(9) shall be extended during the course of any enforcement action until such action has been resolved.

PART Env-Hw 808 RECYCLABLE MATERIALS USED FOR PRECIOUS METAL RECOVERY

Env-Hw 808.01 Generator Requirements. Persons who generate recyclable materials used for precious metal recovery shall be subject to the following requirements:

(a) Notification requirements of Env-Hw 500; and

(b) Manifest requirements of Env-Hw 500.

Env-Hw 808.02 Transporter Requirements. Persons who transport recyclable materials used for precious metal recovery shall be subject to the following requirements:

(a) Notification requirements of Env-Hw 603;

(b) Manifest requirements of Env-Hw 604;

(c) Delivery requirements of Env-Hw 606; and

(d) Registration requirements of Env-Hw 609.

Env-Hw 808.03 Storage Facility Requirements. Persons who store recyclable materials used for precious metal recovery shall be subject to the following requirements:

(a) Notification requirements of Env-Hw 700;

(b) Manifest requirements of Env-Hw 700; and

(c) The following record maintenance requirements, to document that the materials are not being accumulated speculatively, as determined under Env-Hw 811:

(1) Records shall be kept that show the volume of these materials stored at the beginning of the calendar year;

(2) Records shall be kept that show the amount of these materials generated or received during the calendar year; and

(3) Records shall be kept that show the amount of materials remaining at the end of the calendar year.

Env-Hw 808.04 Speculative Accumulation of Recyclable Materials Used for Precious Metal Recovery. Recyclable materials used for precious metal recovery that are accumulated speculatively, as determined under Env-Hw 811, shall be regulated as hazardous wastes under Env-Hw 100-700, and not regulated as recyclable materials under Env-Hw 800.

Env-Hw 808.05 Increased Regulation of Recyclable Materials Used for Precious Metal Recovery.

(a) If the department observes, or otherwise receives credible evidence, that a person is accumulating or storing recyclable materials used for precious metal recovery in a manner that does not protect human health and the environment, the department shall proceed in accordance with the procedures of 40 CFR 260.41, 7-1-07 edition, with the following modifications:

(1) "Regional administrator" or "administrator" shall mean the commissioner or designee;

(2) "Subparts A, C, D, and E of part 262 of this chapter" and "part 262" as used in 260.41(a) shall mean Env-Hw 500, Env-Hw 600, and Env-Hw 700; and

(3) "Parts 270 and 124 of this chapter" as used in 260.41(b) shall mean Env-Hw 300.

(b) After proceeding in accordance with (a), above, the department shall require the person accumulating or storing recyclable materials used for precious metal recovery to comply with Env-Hw 500, Env-Hw 600, and Env-Hw 700 if the department determines that materials are being stored or accumulated in a manner that does not protect human health and the environment.

(c) Materials shall be deemed to be stored or accumulated in a manner that does not protect human health and the environment if:

(1) The materials or their toxic constituents have not been adequately contained; or

(2) The materials being accumulated or stored together are incompatible.

(d) In determining whether to impose increased regulation, the commissioner shall consider the following factors:

(1) The types and amounts of materials being accumulated or stored;

(2) The method of accumulation or storage;

(3) The length of time the materials have been accumulated or stored before being reclaimed;

(4) Whether any contaminants are being released into the environment, or are likely to be so released; and

(5) Other factors relating to the materials' impact on public health and the environment.

PART Env-Hw 809 SPENT LEAD-ACID BATTERIES BEING RECLAIMED

Env-Hw 809.01 Applicability.

(a) Env-Hw 809 shall apply to:

(1) Any person who generates or collects spent lead-acid batteries destined for reclamation;

(2) Any person who transports spent lead-acid batteries destined for reclamation; and

(3) Any person who reclaims spent lead-acid batteries.

Env-Hw 809.02 Generators and Collectors. Any person who generates or collects spent lead-acid batteries destined for reclamation shall store the batteries in a manner designed to ensure that the battery housings do not break or leak acid onto the soil or into any groundwaters or surface waters, but shall not otherwise be subject to the hazardous waste rules.

Env-Hw 809.03 Transporter Requirements. Any transporter of lead-acid batteries destined for reclamation shall:

(a) Ensure that the batteries are loaded and braced so as to prevent damage and short circuits while in transit;

(b) Comply with the U.S. DOT requirements specified in 49 CFR 173.159(e), 10-1-07 edition; and

(c) Comply with the requirements set forth in Saf-C 600.

Env-Wm 809.04 Reclamation Facility Requirements. Any owner or operator of a facility at which spent lead-acid batteries are reclaimed and stored prior to reclamation shall be subject to the following requirements:

(a) Storage facility permit requirements under Env-Hw 304; and

(b) Facility requirements as set forth in Env-Hw 700, except for:

(1) The waste analysis requirements of Env-Hw 707.02(b) and Env-Hw 708.02(b); and

(2) The manifest requirements of Env-Hw 703.

PART Env-Hw 810 WAIVERS

Env-Hw 810.01 Waivers. Waivers from classification as a waste or as a boiler as set forth in Env-Hw 800 shall be requested and processed in accordance with the provisions of Env-Hw 202.

PART Env-Hw 811 SPECULATIVE ACCUMULATION

Env-Hw 811.01 Identification of Speculative Accumulation. A material that is accumulated before being recycled shall be deemed to be accumulated speculatively, unless the person accumulating the material can show that:

(a) The material has potential to be recycled;

(b) A feasible means of recycling exists for the material; and

(c) During the calendar year commencing on January 1, the amount of material that is recycled, or transferred to a different site for recycling, equals at least 75 percent by weight or volume of the amount of that material accumulated at the beginning of the period.

(d) The calculation shall be made in accordance with the following:

(1) In calculating the percentage of turnover, the 75 percent requirement shall be applied to each material of the same type that is recycled in the same way; and

(2) Materials exempt under Env-Hw 401.03(b)(11) shall not be included in making the calculation.

CHAPTER Env-Hw 900 INSPECTION AND ENFORCEMENT

PART Env-Hw 901 APPLICABILITY

Env-Hw 901.01 Applicability. Any person, as defined in Env-Hw 104, who is subject to these rules and who violates the requirements of, or refuses to comply with any of the provisions of the hazardous waste rules, shall be subject to the enforcement, liability, confiscation, and penalty provisions set forth in RSA 147-A.

PART Env-Hw 902 RIGHT OF INSPECTION

Env-Hw 902.01 The Right of Inspection. In order to investigate either actual or suspected sources of potential harm to human health or the environment and to ascertain compliance or non-compliance with the hazardous waste rules, the department through its personnel or other authorized representatives shall:

(a) Inspect any property or premises, including generator, treatment, storage, or disposal facilities and transporter vehicles and transfer facilities;

(b) Gather evidence on existing conditions and procedures;

(c) Obtain representative samples of containers, materials or wastes;

(d) Conduct tests, analyses, and evaluations;

(e) Photograph containers, tanks, labels, processes or conditions related to hazardous waste generation, treatment, storage, transportation, or disposal; and

(f) Inspect and copy any pertinent records, reports of information or test results relating to the requirements of the hazardous waste rules.

PART Env-Hw 903 INSPECTION PROCEDURE

Env-Hw 903.01 Credential Presentation.

(a) In conducting investigations and inspections, department personnel or other authorized representatives shall present his/her credentials to the property owner or representative or to the company representative present.

(b) Upon being presented with credentials, the property owner or representative or company representative shall allow department personnel to enter the premises. Under no circumstances shall any department personnel be required to sign a waiver as a condition of entering and inspecting the facility.

Env-Hw 903.02 Inspection Reports. Upon conducting an investigation or an inspection, the department shall:

(a) Make a report listing the violations found during the inspection;

(b) Maintain the report on file at the department; and

(c) Provide a copy of the report to the owner or operator or his/her agent, if requested, upon completion of the final inspection report.

CHAPTER Env-Hw 1000 HAZARDOUS WASTE CLEANUP FUND

PART Env-Hw 1001 APPLICABILITY

Env-Hw 1001.01 Applicability. Env-Hw 1000 shall govern the expenditure of money from the

hazardous waste cleanup fund for the following purposes:

(a) To respond to the discharge of hazardous waste;

(b) To develop a state hazardous waste facility siting program; and

(c) To encourage and facilitate the implementation of household hazardous waste collection projects, as described herein.

PART Env-Hw 1002 FUND ADMINISTRATION

Env-Hw 1002.01 Fund Administration.

(a) Fees collected by the hazardous waste cleanup fund shall be deposited with the Treasurer, State of New Hampshire.

(b) Expenditures of hazardous waste cleanup fund monies by the department shall be accounted for in the following categories:

(1) Spill and potential discharge response;

(2) Hazardous waste facility siting program;

(3) Household hazardous waste collection projects;

(4) Used oil collection centers; and

(5) Fund administration.

(c) The department shall provide an annual report describing the use of the hazardous waste cleanup fund over the previous year to any fund contributor upon request.

PART Env-Hw 1003 HOUSEHOLD HAZARDOUS WASTE COLLECTION PROJECTS

Env-Hw 1003.01 Requirements for Household Hazardous Waste Collection Projects. Household hazardous waste collection projects shall be regulated as specified in Env-Hw 401.03(b)(1) and Env-Hw 501.01(b).

Env-Hw 1003.02 Expenditures.

(a) For the purposes of this section, "approved local or regional entities" means those persons or groups which are authorized by municipalities to coordinate said municipalities' participation in such collection projects. Local or regional entities shall include town conservation commissions, solid waste management districts as set forth in RSA 149-M:24, regional planning councils and commissions, and not-for-profit organizations.

(b) The department shall use money from the hazardous waste cleanup fund in accordance with the provisions of RSA 147-B:6, I-a for department-approved household hazardous waste collection projects.

(c) Expenditures from the hazardous waste cleanup fund for such projects shall be matched on a dollar-for-dollar basis by municipalities or by approved local or regional entities in accordance with Env-Hw 1000.

(d) Only municipalities and such local or regional entities shall be eligible to apply for hazardous waste cleanup fund monies for these projects.

Env-Hw 1003.03 Administration.

(a) The department shall administer the allocation and distribution of hazardous waste cleanup fund monies for household hazardous waste collection projects in accordance with Env-Hw 1003.05 and RSA 147-B:6.

(b) Hazardous waste cleanup fund monies shall be distributed through the method of grant awards to applicants that meet department requirements as set forth in Env-Hw 1003.05 and agreement conditions referenced in Env-Hw 1003.08.

(c) Hazardous waste cleanup fund monies shall be dispensed to the grantee upon successful completion of the project in accordance with the terms set forth in the agreement referenced in Env-Hw 1003.08.

Env-Hw 1003.04 Purposes of Funding. Hazardous waste cleanup funds dispensed to the project may be used for paying the project's disposal costs, supplies, contracted hazardous waste transporter and/or for paying the expenses associated with conducting the project's educational component, required under Env-Hw 1003.08.

Env-Hw 1003.05 Requirements For Applicants For Fund Monies.

(a) In order to be eligible for hazardous waste cleanup fund monies for household hazardous waste collection projects, municipalities and authorized local or regional entities shall obtain an application form from the department and submit a completed application by the due date(s). The due date shall be January 15 for spring collections and July 15 for fall collections.

(b) The department shall provide guidelines for completing the application, including a suggested warrant article to all applicants.

(c) The application shall be reviewed by the department and the applicant shall be notified of the department's decision on awarding hazardous waste cleanup fund monies.

(d) The application form shall include the following information:

(1) Applicant's name and mailing address;

(2) Date of application;

(3) Contact person, title, and telephone number;

(4) Signature of authorized person;

(5) Tentative date and time of project;

(6) Proposed site of project;

(7) Towns and cities participating;

(8) Population and number of households to be served;

(9) Estimate of project's cost, broken down into public education costs and the contracted transporter's fixed costs and disposal costs; and

(10) General description of project, which shall include how and when the applicant will fulfill the public education requirement.

Env-Hw 1003.06 Matching Money Requirements. In order to be eligible for hazardous waste cleanup fund monies, the applicant shall assure the department that it will comply with the requirements of RSA 147-B:6, I-a to match on a dollar-for-dollar basis those fund monies awarded to the applicant for its project.

Env-Hw 1003.07 Educational Component.

(a) In order to be eligible for hazardous waste cleanup fund monies, the applicant shall assure the department that it will comply with the requirements of RSA 147-B:6, I-a to conduct public educational activities regarding household hazardous waste, including education about its potential dangers and the proper means for its disposal, as well as information about ways to reduce its generation.

(b) The applicant shall describe in the application its specific plans for conducting its educational activities.

(c) To encourage and facilitate this aspect of such projects, the department shall make available to the applicant examples of press releases, fliers, advertisements, and any other information and materials available.

Env-Hw 1003.08 Agreement With The Department.

(a) In order to receive hazardous waste cleanup fund monies, the applicant shall enter into a written agreement with the department and shall fulfill the terms and conditions of said agreement.

(b) In order to entitle the applicant to hazardous waste cleanup fund monies, the agreement shall be approved and signed by the commissioner of department of environmental services or designee. If the grant will be for more than $5,000.00, the agreement shall also be approved and signed by the governor and council and the New Hampshire department of justice, office of the attorney general, before fund monies can be awarded.

(c) The applicant shall administer the project in accordance with the terms and conditions set forth in the agreement, including the following:

(1) The location of the project site, the time and date of the collection as stated in the agreement; and

(2) The financial matching and public education provisions as stated in RSA 147-B:6, I-a, Env-Hw 1003.06, and Env-Hw 1003.07.

(d) The agreement shall specify the amount of hazardous waste cleanup fund monies to be awarded to the applicant upon the applicant's successful completion of the project.

Env-Hw 1003.09 Basis of Department Allocation and Award Decisions.

(a) In fulfilling its hazardous waste cleanup fund administrative responsibilities, the department shall base its recommendation to the governor on the amount of fund money to make available for household hazardous waste collection projects on the following considerations:

(1) The total amount of money available in the hazardous waste cleanup fund; and

(2) Present and anticipated needs for spending hazardous waste cleanup fund money on site cleanup operations and on emergency response actions.

(b) In determining how much hazardous waste cleanup fund money to allocate for its household hazardous waste collection program, the department shall maintain a proper balance of fund expenditures among fund programs.

(c) In deciding which applicants shall be awarded hazardous waste cleanup fund monies, the department shall give highest priority to:

(1) Applicants that are organizing collection projects that would serve a population base of greater than 10,000 people;

(2) Applicants that have not received hazardous waste cleanup fund monies for household hazardous waste collection projects in the previous grant period;

(3) Applicants that collect a broad range of household hazardous waste; and

(4) Applicants that work together with 2 or more towns.

(d) Final approval for awarding hazardous waste cleanup fund monies shall not be granted until all said requirements are fulfilled.

Env-Hw 1003.10 School Wastes.

(a) For purposes of this section, "school wastes" means wastes that are generated in primary or secondary schools that meet the definition of a hazardous waste as set forth in Env-Hw 103.

(b) School wastes may be accepted at a household hazardous waste collection project provided the school has received prior permission from the sponsor of the collection project and the department. Permission shall be granted on the basis of available funding, the ability of the transporter to handle the waste, and the quantity of waste to be disposed.

CHAPTER Env-Hw 1100 REQUIREMENTS FOR UNIVERSAL WASTE MANAGEMENT

PART Env-Hw 1101 PURPOSE, APPLICABILITY, EXEMPTIONS, AND DEFINITIONS

Env-Hw 1101.01 Purpose. The purpose of the rules in this chapter is to establish requirements that

may be used, in lieu of the requirements specified in Env-Hw 300 through Env-Hw 700, to manage certain types of widely generated hazardous waste defined in Env-Hw 104 as "universal wastes". The rules in this chapter are designed to promote and encourage the collection and recycling of universal wastes in a manner that is protective of human health and the environment.

Env-Hw 1101.02 Applicability.

(a) The rules of this chapter shall apply to persons managing universal wastes.

(b) Persons managing universal waste that is imported from a foreign country or another state into New Hampshire shall be subject to the applicable requirements of this part, immediately after the waste enters New Hampshire, as indicated below:

(1) A universal waste handler shall be subject to the requirements of Env-Hw 502.01 and Env-Hw 1102 and the applicable requirements of Env-Hw 1103, Env-Hw 1104, or Env-Hw 1105, and Env-Hw 1109 through Env-Hw 1114;

(2) A universal waste transporter shall be subject to the requirements of Env-Hw 1106; and

(3) An owner or operator of a destination facility shall be subject to the requirements of Env-Hw 1107.

(c) Nothing in the rules of this chapter shall be construed to mean that a universal waste handler is required to manage universal waste batteries in a manner that differs from the requirements of 40 CFR 273.

Env-Hw 1101.03 Definitions.

(a) "Destination facility" means a facility that treats, disposes of, or recycles universal waste, except those management activities described in Env-Hw 1109 through Env-Hw 1114. The term does not include a facility at which universal waste is only accumulated.

(b) "Large quantity handler" means a universal waste handler who accumulates greater than or equal to 5,000 kilograms, but less than 20,000 kilograms, combined total of universal waste listed in the definition of “universal waste” in Env-Hw 104, on-site at any one time.

(c) "Small quantity handler" means a universal waste handler who accumulates less than 5,000 kilograms combined total of universal waste listed in the definition of “universal waste” in Env-Hw 104, on-site at any one time.

(d) "Very large quantity handler" means a universal waste handler who accumulates greater than or equal to 20,000 kilograms combined total of universal waste listed in the definition of “universal waste” in Env-Hw 104, on-site at any one time.

PART Env-Hw 1102 GENERAL REQUIREMENTS FOR ALL UNIVERSAL WASTE HANDLERS

Env-Hw 1102.01 Applicability. The rules in this part shall apply to all universal waste handlers.

Env-Hw 1102.02 Prohibitions.

(a) A universal waste handler shall not:

(1) Dispose of universal waste; or

(2) Dilute or treat universal waste, except by responding to releases as set forth in Env-Hw 1102.06 or by managing specific wastes as provided in Env-Hw 1109.03, Env-Hw 1111.03, Env-Hw 1113.03, and Env-Hw 1114.03.

(b) For the purposes of (a)(2), above, intentionally crushing or dismantling lamps shall be considered treatment and therefore require a permit in accordance with Env-Hw 353.

Env-Hw 1102.03 Waste Management Requirements.

(a) A universal waste handler shall manage:

(1) Universal waste batteries in accordance with Env-Hw 1109;

(2) Universal waste pesticides in accordance with Env-Hw 1110;

(3) Universal waste mercury-containing devices in accordance with Env-Hw 1111;

(4) Universal waste lamps in accordance with Env-Hw 1112;

(5) Universal waste cathode ray tubes in accordance with Env-Hw 1113; and

(6) Universal waste antifreeze in accordance with Env-Hw 1114.

(b) Universal waste shall be managed in a way that prevents the release of the universal waste, or any component of the universal waste, to the environment.

(c) When containment of a particular type of universal waste is required by the rules in Env-Hw 1109.03(a), Env-Hw 1110.04, Env-Hw 1111.03(a), Env-Hw 1111.03(b)(7), Env-Hw 1112.03(a), Env-Hw 1113.03(a), Env-Hw 1113.03 (b)(4) or Env-Hw 1114.03, the containers shall be:

(1) Closed, except when universal waste is being added to or removed from the container;

(2) Compatible with the universal waste and its contents; and

(3) Free of defects, design characteristics, or damage that could result in leakage, spillage, or other environmental releases.

Env-Hw 1102.04 Accumulation Time Limits.

(a) If accumulating universal waste, a universal waste handler shall:

(1) Not accumulate universal waste for longer than one year from the date the universal waste becomes a waste or is received from another handler, unless the requirements of (b) below are met; and

(2) Demonstrate the length of time that the waste has been accumulated from the date it becomes a waste by:

a. Placing the universal waste in a container and marking or labeling the container with the earliest date that any universal waste in the container became a waste or was received;

b. Marking or labeling each individual item of universal waste with the date it became a waste or was received;

c. Maintaining an inventory system on-site that identifies the date each universal waste became a waste or was received;

d. Maintaining an inventory system on-site that identifies the earliest date that any universal waste in a group of universal waste items or a group of containers of universal waste became a waste or was received;

e. Placing the universal waste in a specific accumulation area and identifying the earliest date that any universal waste in the area became a waste or was received; or

f. Any other method that clearly demonstrates the length of time that the universal waste has been accumulated from the date it becomes a waste or is received.

(b) A universal waste handler may accumulate universal waste for longer than one year from the date the universal waste becomes a waste or is received provided that:

(1) The sole purpose of accumulation of such quantities of universal waste is necessary to facilitate proper recovery, treatment, or disposal; and

(2) The handler provides proof thereof, such as, a letter or contract from a destination facility, confirming the purpose identified in (b)(1), above.

Env-Hw 1102.05 Outside Storage. Universal waste stored outside shall be covered to prevent precipitation from coming in contact with the waste.

Env-Hw 1102.06 Response to Releases.

(a) A universal waste handler shall respond to releases by:

(1) Immediately containing and cleaning up, within 24 hours, all releases of universal wastes and other residues from universal wastes; and

(2) Determining whether any material resulting from the release is hazardous waste.

(b) The handler shall report immediately, not to exceed one hour from the discovery of the release, any discharge of universal waste into storm or sanitary sewers, onto the land or into the air, groundwater or surface waters that poses a threat to human health or the environment to the following:

(1) Local emergency officials; and

(2) The department's emergency response telephone number at (603) 271-3899, Monday through Friday, 8 a.m. to 4 p.m. or the New Hampshire department of safety telephone number at (603) 271-3636, 24 hours/day.

(c) The handler shall:

(1) Be considered the generator of any hazardous waste resulting from a release of universal waste; and

(2) Manage the hazardous waste in accordance with all applicable requirements of Env-Hw 400 through Env-Hw 800.

Env-Hw 1102.07 Off-site Shipments.

(a) A universal waste handler shall not send or take universal waste to a place other than another universal waste handler, a destination facility, or a foreign destination.

(b) If a handler self-transports universal waste off-site, the handler shall comply with the requirements of Env-Hw 1106 while transporting the universal waste.

(c) If a universal waste being offered for off-site transportation meets the definition of hazardous materials under 49 CFR 171 through 49 CFR 180, 10-1-07 edition, the handler shall comply with the applicable US DOT regulations under 49 CFR 172 through 180, 10-1-07 edition.

(d) Prior to shipping universal waste to another universal waste handler or to a destination facility, the handler who originated the shipment shall obtain approval from the receiving handler or destination facility.

(e) If the transporter is unable to deliver all or part of the universal waste shipment or if the receiving handler or destination facility rejects all or part of the universal waste shipment, the handler who originated the shipment shall either:

(1) Receive the waste back when notified that the shipment has been rejected; or

(2) Designate an alternate destination facility to which the shipment will be sent and ensure the rejected universal waste is shipped to the designated destination facility.

(f) A universal waste handler who rejects a shipment or a portion of a shipment shall notify the handler who originated the shipment that the shipment has been rejected, and either:

(1) Send the shipment back to the handler who originated the shipment; or

(2) Send the shipment to the destination facility designated by the handler who originated the shipment.

(g) If a universal waste handler receives a shipment containing hazardous waste that is not a universal waste, the handler shall:

(1) Immediately notify the department of the shipment;

(2) Provide the name, address, and phone number of the originating shipper; and

(3) Comply with the applicable requirements of Env-Hw 400 through Env-Hw 800 for managing the hazardous waste.

Env-Hw 1102.08 International Shipments. A universal waste handler who exports universal waste to a foreign destination shall:

(a) Comply with the requirements applicable to a primary exporter in 40 CFR 262.53, 40 CFR 262.56(a)(1) through (4), (6), and (b) and 40 CFR 262.57, 7-1-07 edition;

(b) Export such universal waste only upon consent of the receiving country and in conformance with the EPA acknowledgment of consent; and

(c) Provide a copy of the EPA acknowledgment of consent for the shipment to the transporter exporting the universal waste.

PART Env-Hw 1103 GENERAL REQUIREMENTS FOR SMALL QUANTITY UNIVERSAL WASTE HANDLERS

Env-Hw 1103.01 Applicability. The rules in this part shall apply to all small quantity universal waste handlers.

Env-Hw 1103.02 Notification. A small quantity handler of universal waste shall not be required to notify the department of universal waste handling activities.

Env-Hw 1103.03 Employee Training. A small quantity handler of universal waste shall inform all employees who handle or have responsibility for managing universal waste of proper waste handling and emergency procedures appropriate to the type(s) of universal waste handled at the facility.

Env-Hw 1103.04 Tracking Universal Waste Shipments. A small quantity handler of universal waste shall not be required to keep records of shipments of universal waste.

PART Env-Hw 1104 GENERAL REQUIREMENTS FOR LARGE QUANTITY UNIVERSAL WASTE HANDLERS

Env-Hw 1104.01 Applicability. The rules in this part shall apply to all large quantity universal waste handlers.

Env-Hw 1104.02 Exemptions. The rules in Env-Hw 1104.03 shall not apply to a large quantity handler of universal waste batteries provided the handler:

(a) Is managing only universal waste batteries;

(b) Has notified the department of hazardous waste management activities in accordance with Env-Hw 504; and

(c) Has received an EPA identification number in accordance with Env-Hw 505.

Env-Hw 1104.03 Notification.

(a) Before accumulating greater than or equal to 5,000 kilograms of universal waste, a large quantity handler shall notify the department by submitting to the department a completed New Hampshire notification form as described in Env-Hw 504.02.

(b) Notification shall include the following information:

(1) The company name of the handler;

(2) The mailing address of the handler;

(3) The street address of the universal waste accumulation site;

(4) A contact person, title, and telephone number;

(5) The name of the company owner;

(6) The name of the property owner of the accumulation site;

(7) Generator classification pursuant to Env-Hw 503, if applicable;

(8) A list of all the types of universal waste to be managed at the accumulation site;

(9) Universal waste handler classification indicating whether a large quantity handler or a very large quantity handler; and

(10) Certification by an authorized company official as to the accuracy of the information provided on the notification form.

(c) A large quantity handler shall submit a notification form in accordance with (a) and (b), above, for each on-site location where universal waste is accumulated.

(d) An EPA identification number shall be issued by the department to a large quantity handler not already possessing an EPA identification number.

(e) The EPA identification number assigned pursuant to (d), above, shall:

(1) Be site specific; and

(2) Remain valid until the handler notifies the department in writing that universal waste is no longer being accumulated on-site.

(f) Unless the handler becomes a very large quantity handler, the designation as a large quantity handler of universal waste shall be retained through the end of the calendar year in which greater than or equal to 5,000 kilograms total of universal waste is accumulated at any one time.

Env-Hw 1104.04 Employee Training. A large quantity handler of universal waste shall ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures, relative to their responsibilities during normal facility operations and emergencies.

Env-Hw 1104.05 Tracking Universal Waste Shipments Received.

(a) A large quantity handler of universal waste shall keep a record, which may take the form of a log, invoice, manifest, bill of lading, or other shipping document, of each shipment of universal waste received at the accumulation site.

(b) The record for each shipment of universal waste received shall include the following information:

(1) The name and address of the originating handler from whom the universal waste was sent;

(2) The quantity of each type of universal waste received; and

(3) The date of receipt of the shipment of universal waste.

(c) The records required by (a) and (b), above, shall be retained for at least 3 years from the date a universal waste shipment is received.

Env-Hw 1104.06 Tracking Universal Waste Shipments Shipped Off-site.

(a) A large quantity handler of universal waste shall keep a record, which may take the form of a log, invoice, manifest, bill of lading, or other shipping document, of each shipment of universal waste sent from the handler to another facility.

(b) The record for each shipment of universal waste shall include the following information:

(1) The name and address of the universal waste handler, destination facility, or foreign destination to which the universal waste was sent;

(2) The quantity of each type of universal waste; and

(3) The date the shipment of universal waste left the handler's facility.

(c) The records required by (a) and (b), above, shall be retained for at least 3 years from the date a universal waste shipment left the handler's facility.

PART Env-Hw 1105 GENERAL REQUIREMENTS FOR VERY LARGE QUANTITY UNIVERSAL WASTE HANDLERS

Env-Hw 1105.01 Applicability. The rules of this part shall apply to very large quantity universal waste handlers unless exempted pursuant to Env-Hw 1105.02.

Env-Hw 1105.02 Exemptions. The rules of this part shall not apply to a universal waste handler who is managing only universal waste batteries. Any such handler shall instead be regulated as a large quantity handler under Env-Hw 1104.

Env-Hw 1105.03 Notification.

(a) Before accumulating greater than or equal to 20,000 kilograms of universal waste, a universal waste handler shall notify the department by submitting a completed New Hampshire notification form as described in Env-Hw 504.02.

(b) The notification shall include the following information:

(1) The company name of the handler;

(2) The mailing address of the handler;

(3) The street address of universal waste accumulation site;

(4) A contact person, title, and telephone number;

(5) The name of the company owner;

(6) The name of the property owner of the accumulation site;

(7) Generator classification pursuant to Env-Hw 503, if applicable;

(8) A list of all the types of universal waste to be managed at the accumulation site;

(9) Universal waste handler classification indicating whether a, large quantity handler or a very large quantity handler; and

(10) Certification by an authorized company official as to the accuracy of the information provided on the notification form.

(c) A very large quantity handler shall submit a notification form for each on-site location where universal waste is accumulated.

(d) An EPA identification number shall be issued to a very large quantity handler not already possessing an EPA identification number.

(e) The EPA identification number assigned pursuant to (d), above, shall:

(1) Be site specific; and

(2) Remain valid until the handler notifies the department in writing that universal waste is no longer being accumulated on-site.

(f) The designation as a very large quantity handler of universal waste shall be retained through the end of the calendar year in which greater than or equal to 20,000 kilograms total of universal waste is accumulated at any one time.

Env-Hw 1105.04 Outside Storage in 100-year Floodplain Prohibited. A very large quantity handler shall not store universal waste outside within a 100-year floodplain as identified based on the latest Flood Insurance Studies or flood hazard boundary maps prepared by the Federal Emergency Management Agency.

Env-Hw 1105.05 Employee Training. A very large quantity handler of universal waste shall ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures relative to their responsibilities during normal facility operations and emergencies.

Env-Hw 1105.06 Tracking Universal Waste Shipments Received.

(a) A very large quantity handler of universal waste shall keep a record, which may take the form

of a log, invoice, manifest, bill of lading, or other shipping document, of each shipment of universal waste received at the facility.

(b) The record for each shipment of universal waste received shall include the following information:

(1) The name and address of the originating universal waste handler or foreign shipper from which the universal waste was sent;

(2) The quantity of each type of universal waste received; and

(3) The date of receipt of the shipment of universal waste.

(c) Each record required by (a) and (b), above, shall be retained for at least 3 years from the date the universal waste shipment was received.

Env-Hw 1105.07 Tracking Universal Waste Shipments Shipped Off-site.

(a) A large quantity handler of universal waste shall keep a record, which may take the form of a log, invoice, manifest, bill of lading, or other shipping document, of each shipment of universal waste sent from the handler to other facilities.

(b) The record for each shipment of universal waste shall include the following information:

(1) The name and address of the universal waste handler, destination facility, or foreign destination to which the universal waste was sent;

(2) The quantity of each type of universal waste; and

(3) The date the shipment of universal waste left the handler's facility.

(c) Each record required by (a) and (b), above, shall be retained for at least 3 years from the date the universal waste shipment was sent.

Env-Hw 1105.08 Inspections.

(a) A very large quantity handler shall:

(1) Inspect areas where universal waste is stored at least weekly for leaks and deterioration caused by corrosion and other factors; and

(2) Record inspections in an inspection log or summary.

(b) The inspection log or summary required pursuant to (a)(2), above, shall include the following information:

(1) The date and time of inspection;

(2) The name of the inspector;

(3) A notation of the observations made; and

(4) The date and nature of any repairs or other remedial actions.

(c) Each record required by (a) and (b), above, shall be retained for at least 3 years from the date of the last inspection.

Env-Hw 1105.09 Contingency Plans and Emergency Procedures. Each very large quantity handler shall have a contingency plan on-site in accordance with 40 CFR 265 Subpart D, 7-1-01 edition.

Env-Hw 1105.10 Preparedness and Prevention. A very large quantity handler shall:

(a) Keep the following equipment appropriate for the types and quantities of waste being accumulated on-site at all times:

(1) Portable fire extinguishers;

(2) Fire control equipment, including special extinguishing equipment, such as equipment using foam, inert gas, or dry chemicals;

(3) Spill control equipment; and

(4) Decontamination equipment;

(b) Maintain aisle space to allow the unobstructed movement of personnel, fire control equipment, spill control equipment, and decontamination equipment to any area of the universal waste storage area; and

(c) Post the following emergency telephone numbers and information at the nearest telephone to each universal waste pesticide storage area:

(1) The local fire department's local telephone number or 911 or both;

(2) The local police department's local telephone number or 911 or both;

(3) The department's emergency response telephone number at (603) 271-3899 for use Monday through Friday, 8 a.m. to 4 p.m.;

(4) The New Hampshire department of safety telephone number at (603) 271-3636 for use 24 hours/day;

(5) The local response team(s) telephone number; and

(6) The steps to take in an emergency.

Env-Hw 1105.11 Security. A very large quantity handler shall provide the following security measures at all outdoor universal waste storage areas:

(a) An artificial or natural barrier that completely surrounds the universal waste storage area to prevent the unauthorized or unknowing entry of persons or livestock;

(b) An entry(ies) to the storage area that is controlled at all times; and

(c) At each entry to the universal waste storage area, a sign with the legend, "Danger - Unauthorized Personnel Keep Out," or other words indicating that only authorized personnel are allowed to enter the area and that entry can be dangerous.

Env-Hw 1105.12 Closure. A very large quantity handler shall meet the closure requirements of 40 CFR 265.111 through 40 CFR 265.115, 7-1-01 edition.

Env-Hw 1105.13 Financial Assurance. A very large quantity handler shall meet the financial assurance requirements of 40 CFR 265.142 and 265.143, 7-1-01 edition, prior to accumulating universal waste.

PART Env-Hw 1106 STANDARDS FOR UNIVERSAL WASTE TRANSPORTERS

Env-Hw 1106.01 Applicability. The rules in this part shall apply to universal waste transporters.

Env-Hw 1106.02 Prohibitions.

(a) A universal waste transporter shall not:

(1) Dispose of universal waste; or

(2) Dilute or treat universal waste, except by responding to releases as set forth in Env-Hw 1106.05.

(b) For the purposes of (a)(2), above, intentionally crushing lamps shall be considered treatment and therefore require a permit in accordance with Env-Hw 304.

Env-Hw 1106.03 Waste Management. If the universal waste being transported meets the criteria for one or more hazardous classes specified in 49 CFR 173.2, 10-1-07 edition, a universal waste transporter shall comply with all applicable US DOT regulations in 49 CFR 171 through 180, 10-1-07 edition, for transport of any universal waste that meets the definition of "hazardous material" in 49 CFR 171.8, 10-1-07 edition.

Env-Hw 1106.04 Storage Time Limits. If a universal waste transporter stores universal waste for more than 10 days, the transporter shall comply with the following:

(a) The universal waste handler requirements of Env-Hw 1102;

(b) Env-Hw 1103, if a small quantity handler;

(c) Env-Hw 1104, if a large quantity handler;

(d) Env-Hw 1105, if a very large quantity handler; and

(e) The waste management requirements of Env-Hw 1109 through Env-Hw 1114, as applicable.

Env-Hw 1106.05 Response to Releases.

(a) A universal waste transporter shall respond to releases by:

(1) Immediately containing and cleaning up, within 24 hours, all releases of universal wastes and other residues from universal wastes; and

(2) Determine whether any material resulting from the release is hazardous waste.

(b) The transporter shall report immediately, not to exceed one hour from the discovery of the release, any discharge of universal waste into storm or sanitary sewers, onto the land or into the air, groundwater or surface waters that poses a threat to human health or the environment to the following:

(1) Local emergency officials;

(2) The department's emergency response telephone number at (603) 271-3899 for use Monday through Friday, 8 a.m. to 4 p.m. or the New Hampshire department of safety telephone number at (603) 271-3636, 24 hours/day.

(c) The universal waste transporter shall:

(1) Be considered the generator of any hazardous waste resulting from a release of universal waste; and

(2) Manage the hazardous waste in accordance with all applicable requirements of applicable requirements of Env-Hw 400 through Env-Hw 800.

Env-Hw 1106.06 Off-site Shipments.

(a) A universal waste transporter shall be prohibited from transporting the universal waste to a place other than a universal waste handler, a destination facility, or a foreign destination.

(b) If the universal waste being shipped off-site meets the DOT's definition of hazardous materials under 49 CFR 171.8, the shipment shall be properly described on a shipping paper in accordance with the applicable US DOT regulations under 49 CFR 172, 10-1-07 edition.

Env-Hw 1106.07 International Shipments.

(a) A universal waste transporter transporting a shipment of universal waste to a foreign destination shall not accept a shipment if the transporter knows the shipment does not conform to the EPA acknowledgment of consent.

(b) The transporter shall ensure that:

(1) A copy of the EPA acknowledgment of consent accompanies the shipment; and

(2) The shipment is delivered to the facility designated by the handler originating the shipment.

PART Env-Hw 1107 STANDARDS FOR DESTINATION FACILITIES

Env-Hw 1107.01 Applicability.

(a) Except as provided in (b), below, the rules in Env-Hw 300 and Env-Hw 700 shall apply to owners and operators of destination facilities.

(b) The rules in Env-Hw 300 and Env-Hw 700 shall not apply to owners and operators of destination facilities that recycle universal waste without storing the waste before it is recycled, provided they comply with the following requirements:

(1) The notification requirements as set forth in Env-Hw 702; and

(2) The manifest requirements as set forth in Env-Hw 703.

Env-Hw 1107.02 Off-site Shipments.

(a) An owner or operator of a destination facility shall not send or take universal waste to a place other than a universal waste handler, another destination facility, or a foreign destination.

(b) An owner or operator of a destination facility who rejects a shipment or a portion of a shipment shall notify the handler who originated the shipment that the shipment has been rejected, and either:

(1) Send the shipment back to the handler who originated the shipment; or

(2) Send the shipment to another destination facility designated by the handler who originated the shipment.

(c) If an owner or operator of a destination facility receives a shipment containing hazardous waste that is not a universal waste, the owner or operator of the destination facility shall:

(1) Immediately notify the department of the shipment;

(2) Provide the name, address, and phone number of the shipper; and

(3) Comply with the applicable requirements of Env-Hw 400 through Env-Hw 800 for managing the hazardous waste.

Env-Hw 1107.03 Tracking Universal Waste Shipments.

(a) The owner or operator of a destination facility shall keep a record, which may take the form of a log, invoice, manifest, bill of lading, or other shipping document, of each shipment of universal waste received at the facility.

(b) The record for each shipment of universal waste received shall include the following information:

(1) The name and address of the universal waste handler, destination facility, or foreign shipper from whom the universal waste was sent;

(2) The quantity of each type of universal waste received; and

(3) The date of receipt of the shipment of universal waste.

(c) The owner or operator of a destination facility shall retain the records described in (a) and (b), above, for at least 3 years from the date of receipt of a shipment of universal waste.

PART Env-Hw 1108 PETITION TO INCLUDE OTHER UNIVERSAL WASTES

Env-Hw 1108.01 Universal Waste Petition Information Requirements.

(a) Any person seeking to add a hazardous waste or a category of hazardous waste to this part shall petition for an amendment to Env-Hw 1100 in accordance with:

(1) This part;

(2) Env-Hw 206; and

(3) 40 CFR 273 Subpart G, 7-1-07 edition.

(b) The petitioner shall submit the following information, in writing, to the department:

(1) The petitioner's name and mailing address and, if available, an e-mail address;

(2) A statement explaining why the petitioner believes that the waste is a universal waste;

(3) A description of the type of waste proposed to be included as a universal waste;

(4) A description of the methods by which the waste can be managed;

(5) A statement of the need and justification for adding the proposed waste to Env-Hw 1100 based upon the criteria in Env-Hw 1108.02, including any supporting tests, studies, or other pertinent information;

(6) A statement explaining how the proposed universal waste will improve management practices for the waste or category of waste; and

(7) A statement explaining how the proposed universal waste will improve implementation of the hazardous waste program.

Env-Hw 1108.02 Universal Waste Petition Approval or Denial. The department shall:

(a) Evaluate petitions using the factors listed in 40 CFR 273.81, 7-1-07 edition;

(b) Grant the petition if listing the waste or category of waste as a universal waste meets the criteria of 40 CFR 273.80(c), 7-1-07 edition and 40 CFR 273.81, 7-1-07 edition; and

(c) If the petition is granted, initiate a rulemaking proceeding in accordance with RSA 541-A.

PART Env-Hw 1109 UNIVERSAL WASTE BATTERIES

Env-Hw 1109.01 Applicability.

(a) The rules in this part shall apply to all universal waste handlers of batteries, except as provided in (b) below.

(b) The rules in this part shall not apply to persons managing spent lead-acid batteries under Env-Hw 809.04.

Env-Hw 1109.02 Generation of Universal Waste Batteries.

(a) A used battery that is no longer operable shall become a waste the date it is removed from service.

(b) A used battery that is still operable and has been removed from service shall become a waste the date the handler decides to discard it.

(c) An unused battery shall become a waste the date the handler decides to discard it.

Env-Hw 1109.03 Requirements for Waste Management of Universal Waste Batteries.

(a) A universal waste handler shall contain, using a container that meets the requirements of Env-Hw 1102.03(c), any universal waste battery that shows evidence of leakage, spillage, or damage that could cause leakage.

(b) A universal waste handler shall not conduct the following activities unless the requirements of (c), below, are met:

(1) Sorting batteries by type;

(2) Mixing battery types in one container;

(3) Discharging batteries so as to remove the electric charge;

(4) Regenerating used batteries;

(5) Disassembling batteries or battery packs into individual batteries or cells;

(6) Removing batteries from consumer products; or

(7) Removing electrolyte from batteries.

(c) A universal waste handler who conducts the activities listed in (b), above, shall:

(1) Ensure the casing of each individual battery cell is:

a. Not breached;

b. Intact;

c. Closed except to remove electrolyte; and

d. Immediately closed after electrolyte removal; and

(2) Determine whether the following exhibit a characteristic of hazardous waste as identified in Env-Hw 403:

a. Electrolyte removed from batteries; and

b. Other waste generated as a result of the removal of electrolyte, such as, battery pack materials and discarded consumer products.

(d) If the electrolyte or other waste or both described in (c)(2), above, exhibits a characteristic of hazardous waste, the handler shall:

(1) Be considered the generator of the electrolyte or other waste or both; and

(2) Comply with all applicable requirements of Env-Hw 400 through Env-Hw 800.

Env-Hw 1109.04 Labeling/Marking of Batteries. A universal waste handler of batteries shall clearly label or mark each universal waste battery or containers holding batteries with any or all of the following:

(a) "Universal Waste - Battery(ies)";

(b) "Waste Battery(ies)"; or

(c) "Used Battery(ies)."

PART Env-Hw 1110 UNIVERSAL WASTE PESTICIDES

Env-Hw 1110.01 Applicability.

(a) The rules in this part shall apply to persons managing the following pesticides:

(1) Recalled pesticides that are:

a. Suspended and canceled pesticides that are part of a voluntary or mandatory recall under the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. 136 - 136y (FIFRA) Section 19(b), including, but not limited to, those owned by the registrant responsible for conducting the recall; or

b. Suspended or canceled pesticides, or pesticides that are not in compliance with FIFRA, that are part of a voluntary recall by the registrant; and

(2) Other unused pesticides that are collected and managed as part of a waste pesticide collection program administered or recognized by the department or the New Hampshire department of agriculture, markets, and food.

(b) The rules in this part shall not apply to persons managing pesticides that do not meet the criteria of (a), above, but instead these persons shall be subject to the applicable requirements of Env-Hw 300 through Env-Hw 800.

Env-Hw 1110.02 Exemptions. The rules in this part shall not apply to pesticides that are managed by farmers in compliance with Env-Hw 501.02.

Env-Hw 1110.03 Generation of Waste Pesticides.

(a) A recalled pesticide described in Env-Hw 1110.01(a) shall become a waste on the first date on which both of the following occur:

(1) The generator of the recalled pesticide agrees to participate in the recall; and

(2) The person conducting the recall decides to discard the pesticide.

(b) An unused pesticide described in Env-Hw 1110.01(a)(2) shall become a waste on the date the generator decides to discard it.

(c) A pesticide that is not a waste shall remain subject to the requirements of FIFRA.

Env-Hw 1110.04 Requirements for Waste Management of Universal Waste Pesticides. A universal waste handler shall contain universal waste pesticides in one or more of the following:

(a) A container that meets the requirements of Env-Hw 1102.03(c);

(b) A container that does not meet the requirements of Env-Hw 1102.03(c), provided that the unacceptable container is overpacked in a container that does meet the requirements of Env-Hw 1102.03(c);

(c) A tank that meets the requirements of 40 CFR 265 Subpart J, 7-1-99 edition, except for 40 CFR 265.197(c), 40 CFR 265.200, and 40 CFR 265.201; or

(d) A transport vehicle or vessel that meets the requirements of Env-Hw 1102.03(c).

Env-Hw 1110.05 Labeling/Marking of Pesticides.

(a) A container, multiple container package unit, tank, transport vehicle or vessel in which recalled universal waste pesticides described in Env-Hw 1110.01(a) are contained shall be clearly labeled or marked with:

(1) The label that was on or accompanied the pesticide product as sold or distributed; and

(2) The words "Universal Waste - Pesticide(s)" or "Waste - Pesticide(s)."

(b) A container, tank, or transport vehicle or vessel in which unused pesticide products as described in Env-Hw 1110.01(b) are contained shall be clearly labeled or marked with the words "Universal Waste - Pesticide(s)" or "Waste - Pesticide(s)" and:

(1) The label that was on the pesticide product when purchased, if still legible;

(2) If using the label described in (1), above, is not feasible, the appropriate label as required under the US DOT regulations 49 CFR 172, 10-1-07 edition; or

(3) If using the labels described in (1) and (2), above, are not feasible, another label prescribed or designated by the waste pesticide collection program administered or recognized by the department or the New Hampshire department of agriculture, markets, and food.

Env-Hw 1110.06 Storage of Universal Waste Pesticides.

(a) Universal waste pesticides shall be stored on an impervious surface.

(b) An impervious surface shall:

(1) Include concrete or asphalt without cracks or holes; and

(2) Not include earth, wood or gravel surfaces.

(c) For one-day collections, in lieu of (b)(1), above, plastic sheeting with a minimum thickness of 6 mils may be used as an impervious surface for storing universal waste pesticides on collection day.

(d) Except as provided in (e), below, universal waste pesticides shall not be stored in areas with functional floor drains or manholes present unless secondary containment is provided around all universal waste pesticides container storage areas, capable of containing the volume of the largest capacity universal waste pesticides container present.

(e) The containment system required by (d), above shall not be required for universal waste pesticides storage areas that store containers holding only wastes that do not contain free liquids provided that:

(1) The universal waste pesticides storage area is sloped or is otherwise designed to drain and remove liquid resulting from precipitation; or

(2) The containers are elevated or otherwise protected from contact with accumulated liquid.

Env-Hw 1110.07 Preparedness and Prevention. A universal waste handler of pesticides shall:

(a) Keep the following equipment appropriate to the types and quantities of waste pesticide being accumulated on-site at all times:

(1) Portable fire extinguishers;

(2) Fire control equipment, including special extinguishing equipment, such as that using foam, inert gas, or dry chemicals;

(3) Spill control equipment; and

(4) Decontamination equipment;

(b) Maintain aisle space to allow the unobstructed movement of personnel, fire control equipment, spill control equipment, and decontamination equipment to any area of the universal waste storage area; and

(c) Post the following emergency telephone numbers and information at the nearest telephone to each universal waste pesticide storage area:

(1) The local fire department's local telephone number or 911 or both;

(2) The local police department's local telephone number or 911 or both;

(3) The department's emergency response telephone number at (603) 271-3899 for use Monday through Friday, 8 a.m. to 4 p.m.;

(4) The New Hampshire department of safety telephone number at (603) 271-3636 for use 24 hours/day;

(5) The local response team(s) telephone number; and

(6) The steps to take in an emergency.

Env-Hw 1110.08 Security. A universal waste handler of pesticides shall provide the following security measures at all outdoor universal waste storage areas:

(a) An artificial or natural barrier that completely surrounds the universal waste pesticide storage area to prevent the unauthorized or unknowing entry of persons or livestock;

(b) An entry(ies) to the storage area that is controlled at all times; and

(c) At each entry to the universal waste storage area, a sign with the legend, "Danger - Unauthorized Personnel Keep Out," or other words indicating that only authorized personnel are allowed to enter the area and that entry can be dangerous.

Env-Hw 1110.09 Additional Training for Pesticides Handlers. A universal waste handler of pesticides shall comply with the personnel training requirements in 40 CFR 265.16, 7-1-01 edition.

Env-Hw 1110.10 Health and Safety. A New Hampshire universal waste handler of pesticides shall comply with the New Hampshire department of labor rules in Lab 1400 "Safety and Health of Employees."

PART Env-Hw 1111 UNIVERSAL WASTE MERCURY-CONTAINING DEVICES

Env-Hw 1111.01 Applicability. This part shall apply to all universal waste handlers of mercury-containing devices.

Env-Hw 1111.02 Generation of Universal Waste Mercury-Containing Devices.

(a) A used mercury-containing device that is no longer operable shall become a waste the date it is removed from service.

(b) A used mercury-containing device that is still operable and has been removed from service shall become a waste the date the handler decides to discard it.

(c) An unused mercury-containing device shall become a waste the date the handler decides to discard it.

Env-Hw 1111.03 Requirements for Waste Management of Universal Waste Mercury-Containing Devices.

(a) A universal waste handler shall contain, using a container that meets the requirements of Env-Hw 1102.03(c), any mercury-containing device that shows evidence of leakage, spillage, or damage that could cause leakage.

(b) A universal waste handler shall not remove mercury-containing ampules from universal waste mercury-containing devices unless the handler:

(1) Removes the ampules in a manner designed to prevent breakage of the ampules;

(2) Removes ampules only over or in a containment device, such as, a tray or pan that will collect and contain any mercury released from an ampule in case of breakage;

(3) Ensures that a mercury clean-up system is readily available to immediately transfer any mercury resulting from spills or leaks from broken ampules, as specified in (4) below;

(4) Immediately transfers any mercury resulting from spills or leaks from broken ampules from the containment device to a container that meets the requirements of Env-Hw 507;

(5) Ensures that the area in which ampules are removed is well ventilated and monitored to ensure compliance with applicable OSHA exposure levels for mercury;

(6) Ensures that employees removing ampules are thoroughly familiar with proper waste mercury handling and emergency procedures, including transfer of mercury from containment devices to appropriate containers;

(7) Stores removed ampules in containers that meet the requirements of Env-Hw 1102.03(c); and

(8) Packs removed ampules in the container with packing materials adequate to prevent breakage during storage, handling, and transportation.

(c) An intact mercury-containing ampule that has been removed in accordance with (b), above, may be handled as a universal waste.

(d) A universal waste handler who removes mercury-containing ampules from mercury-containing devices shall determine whether the following materials exhibit a characteristic of hazardous waste identified in Env-Hw 403:

(1) Mercury clean-up residues or other wastes resulting from spills or leaks; and

(2) Other waste generated as a result of the removal of mercury-containing ampules, such as remaining thermostat units.

(e) If the mercury residues, or other waste, or any combination of the above described in (d), above, exhibit a characteristic of hazardous waste, the handler shall:

(1) Be considered the generator of the mercury residues, or other waste, or both; and

(2) Comply with all applicable requirements of Env-Hw 400 through Env-Hw 800.

Env-Hw 1111.04 Labeling/Marking of Mercury-Containing Devices. A universal waste handler of

mercury-containing devices shall clearly label or mark each universal waste mercury-containing device or container(s) holding mercury-containing devices with any or all of the following:

(a) "Universal Waste - Mercury-Containing Device(s);

(b) "Waste Mercury-Containing Device(s)"; or

(c) "Used Mercury-Containing Device(s)."

PART Env-Hw 1112 UNIVERSAL WASTE LAMPS

Env-Hw 1112.01 Applicability. The rules in this part shall apply to all universal waste handlers of lamps.

Env-Hw 1112.02 Generation of Universal Waste Lamps.

(a) A used lamp that is burned out shall become a waste the date it is removed from service.

(b) A used lamp that is not burned out and has been removed from service shall become a waste the date the handler decides to discard it.

(c) An unused lamp shall become a waste the date the handler decides to discard it.

Env-Hw 1112.03 Requirements for Waste Management of Universal Waste Lamps.

(a) Intact and broken lamps shall be stored in container(s) that meet the requirements of Env-Hw 1102.03(c).

(b) A universal waste handler shall not intentionally crush or dismantle universal waste lamp(s) unless a permit has been obtained in accordance with Env-Hw 304.

Env-Hw 1112.04 Labeling/Marking of Lamps. A universal waste handler of lamps shall clearly label or mark each lamp or container(s) holding universal waste lamps with any or all of the following:

(a) "Universal Waste - Lamps(s);

(b) "Waste Lamp(s)"; or

(c) "Used Lamp(s)."

PART Env-Hw 1113 UNIVERSAL WASTE CATHODE RAY TUBES

Env-Hw 1113.01 Applicability. This part shall apply to all universal waste handlers of cathode ray tubes.

Env-Hw 1113.02 Generation of Universal Waste Cathode Ray Tubes. A used or unused cathode ray tube shall become a waste the date it is determined to be not repairable or reusable for its originally intended purpose.

Env-Hw 1113.03 Requirements for Waste Management of Universal Waste Cathode Ray Tubes.

(a) Any cathode ray tube that shows evidence of breakage, spillage, or damage that could cause release of glass particles shall be contained, using a container that meets the requirements of Env-Hw 1102.03(c).

(b) A universal waste handler of cathode ray tube(s) shall not intentionally break or shred universal waste cathode ray tube(s) unless the handler:

(1) Installs and maintains system(s) designed to minimize releases via wind dispersal, run-off, and direct releases to the soil;

(2) Uses breaking, shredding, or storage practices that do not pose a hazard to human health or the environment;

(3) Prevents exposure of humans or the environment to harmful quantities of lead or other hazardous constituents;

(4) Stores shredded and broken cathode ray tubes or components or both in closed, non-leaking containers that meet the requirements of Env-Hw 1102.03(c);

(5) Before transporting or offering shredded cathode ray tubes or components or both for transport, packages the shredded cathode ray tubes or components or both in containers that are:

a. Impermeable;

b. Closed; and

c. Designed to prevent releases to the environment.

(c) A universal waste handler who shreds or intentionally breaks cathode ray tubes shall determine whether the following materials exhibit a characteristic of hazardous waste identified in Env-Hw 400:

(1) Clean-up residues resulting from spills or leaks; and

(2) Other waste generated from the shredding or breaking of cathode ray tubes, such as:

a. Residual waste from pollution control devices;

b. Blast media;

c. Cleaning media;

d. Floor sweepings; or

e. Glass fines.

(d) If the residues, or other waste, or both described in (c), above, exhibit a characteristic of hazardous waste, the handler shall be considered the generator of the residues or other waste or both and manage them in accordance with applicable requirements of Env-Hw 400 through Env-Hw 800.

Env-Hw 1113.04 Labeling/Marking of Cathode Ray Tubes. A universal waste handler of cathode ray tubes shall clearly label or mark each universal waste cathode ray tube, or containers holding intact, shredded, or broken universal waste cathode ray tubes with any or all of the following:

(a) "Universal Waste - Cathode Ray Tube(s)";

(b) "Waste Cathode Ray Tube(s)"; or

(c) "Used Cathode Ray Tube(s)."

PART Env-Hw 1114 UNIVERSAL WASTE ANTIFREEZE

Env-Hw 1114.01 Applicability. The rules in this part shall apply to all universal waste handlers of antifreeze.

Env-Hw 1114.02 Generation of Universal Waste Antifreeze.

(a) Used antifreeze shall become a waste on the date which, through use or handling, the antifreeze has become unsuitable for its original purpose due to the presence of physical or chemical impurities or loss of original properties;

(b) Unused antifreeze shall become a waste the date the handler decides to discard it.

Env-Hw 1114.03 Requirements for Waste Management of Universal Waste Antifreeze. A universal waste handler shall contain universal waste antifreeze in tank(s) or container(s) that meet the requirements of Env-Hw 1102.03(c).

Env-Hw 1114.04 Labeling/Marking of Antifreeze. A universal waste handler of antifreeze shall clearly label or mark the container(s), and tank(s) holding antifreeze with any or all of the following:

(a) "Universal Waste - Antifreeze";

(b) "Waste Antifreeze"; or

(c) "Used Antifreeze."

APPENDIX

Rule Section(s)	State Statut(s)e	Federal Regulation(s)
Env-Hw 400	RSA 147-A:3, I & IV	40 CFR 261
Env-Hw 500 (see also sections listed below)	RSA 147-A:3, III-VII; RSA 147-A:5, IV; RSA 147-B:7; RSA 147-B:8; RSA 147-B:9	40 CFR 261; 40 CFR 262
Env-Hw 501.02(e)	RSA 147-A:3, IV	40 CFR 261.9
Env-Hw 503.03(d)	RSA 147-A:3, IV	40 CFR 261.5
Env-Hw 503.03(h)	RSA 147-A:3, VI	40 CFR 261.5
Env-Hw 504.02(a),(d)&(e)	RSA 147-A:3, VI	40 CFR 262.12
Env-Hw 505.01	RSA 147-A:3, VI	40 CFR 262.12
Env-Hw 505.02(a)	RSA 147-A:3, VI	40 CFR 262.12
Env-Hw 505.04	RSA 147-A:3, VI	40 CFR 262.12
Env-Hw 507.02	RSA 147-A:3, IV	40 CFR 262.34
Env-Hw 507.03(a)	RSA 147-A:3, IV	40 CFR 262.34
Env-Hw 507.03(b)&(c)	RSA 147-A:3, III & IV	40 CFR 262.32 and 262.33
Env-Hw 508.03(j)	RSA 147-A:3, IV	40 CFR 261.5
Env-Hw 509.03	RSA 147-A:3, IV	40 CFR 262.34
Env-Hw 510.01 – 510.03	RSA 147-A:3, IV & V; RSA 147-B:7-9	40 CFR 262 Subpart B and the Appendix to 40 CFR 262
Env-Hw 510.03	RSA 147-A:3, V & IV; RSA 147-B:7; RSA 147-B:9	40 CFR 262.20
Env-Hw 510.06	RSA 147-A:3, IV & V	40 CFR 262 Subparts E and F
Env-Hw 511.02(b)	RSA 147-A: 3, III-VI	40 CFR 262.34
Env-Hw 512.01(a)(2)	RSA 147-A:3, VII	40 CFR 262.40
Env-Hw 514.01- 514.06	RSA 147-A:5, IV	
Env-Hw 600	RSA 147-A:3, IV-VIII; RSA 147-A:6	40 CFR 261; 40 CFR 263
Env-Hw 700	RSA 147-A:3, III-VI	40 CFR 261; 40 CFR 264; 40 CFR 265
Env-Wm 800	RSA 147-A:3, I & IV	40 CFR 261; 40 CFR 266; 40 CFR 279
Env-Hw 900	RSA 147-A:7	
Env-Hw 1000	RSA 147-B:6; RSA 147-B:7; RSA 147-B:13	
Env-Hw 1100	RSA 147-A:3, IV & VI	40 CFR 273